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# Annual report - The Secretary of the Interior

United States.  
Dept. of the  
Interior

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U.S. Dept. of the Interior  
REPORT

OF THE

From  
SECRETARY OF THE INTERIOR

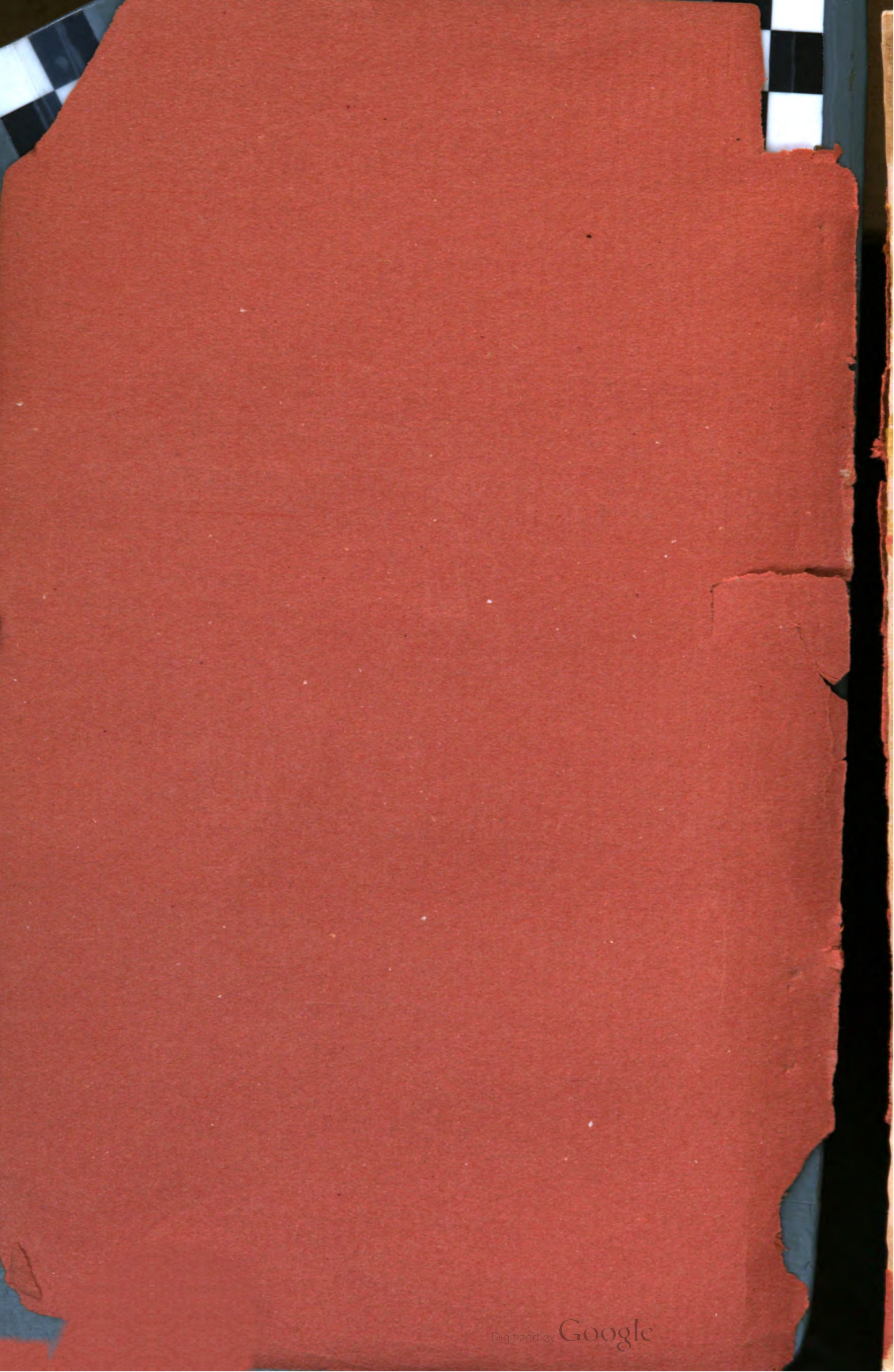
FOR THE

FISCAL YEAR ENDED JUNE 30, 1901.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.







REPORT

OF THE

SECRETARY OF THE INTERIOR

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# REPORT

## OF THE

# SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., November 21, 1901.*

SIR: I have the honor to submit herewith the annual report of the operations of this Department during the past fiscal year, reference being had to the attached reports of the several bureaus and offices connected therewith for a more detailed statement as to the business transacted therein, respectively.

The progress made in the dispatch of the public business has been very gratifying, and notwithstanding the large increase therein during the year the work of the several bureaus and offices is well in hand. This increase in the volume of work is particularly noticeable in the Secretary's Office, the General Land Office, and the Patent Office; in all likelihood it will continue to increase during the coming year rather than diminish, and in order to be properly and expeditiously handled additional clerical force must, of necessity, be provided.

I have heretofore called attention to the labor incident to the supervising of the work brought before the Secretary and his assistants, and the great tax on their energies involved in its consideration and disposition. Again adverting to the subject, I desire to call special attention to the fact that the salary now fixed by law for the First Assistant Secretary of this Department is not an adequate compensation for the exacting duties required to be performed by him; and the same may be said regarding the salaries paid to the Assistant Secretary and to the chiefs of division in the Secretary's Office. These should be readjusted by Congress on a more equitable basis at the earliest practicable date.

The energy and ability with which the duties and obligations devolving upon the officers of the various divisions and bureaus of this Department have been discharged have been fully appreciated, and I cheerfully make acknowledgment to the Assistant Secretaries, the Assistant Attorney-General, the heads of bureaus, the chief clerk of the Department, and the chiefs of division of the Secretary's Office for the valuable assistance rendered by them in the disposition of the public business.

**OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.**

The force in this office is occupied in greater measure with the consideration of legal problems and claims arising under the laws of the United States relating to public lands and Indian affairs, and in lesser measure with the disposition of matters arising under the pension, patent, and other laws, the administration of which is committed to this Department.

Excepting as action in some matters is withheld or suspended for the time being, awaiting a decision in the courts upon a test case involving like questions, the work of the office is practically up to date or current.

One effect of bringing the work up to date has been to discourage and greatly to reduce the number of groundless appeals and motions for review in land cases, heretofore frequently presented for the purpose of obtaining delay and forcing the successful claimant to make some money or other concession to the unsuccessful one as a means of securing a withdrawal of the appeal or motion for review, and thus removing an obstacle to closing the contest and issuing a patent.

While, however, the volume of work relating to public lands has been perceptibly reduced, there has been more than a counterbalancing increase in the work relating to Indian affairs. The increased allotment of lands in severalty to the Indians and opening of the surplus lands to the operation of the public-land laws, and the taking of more direct control of the affairs of the Five Civilized Tribes in the Indian Territory have brought forth many legal problems, some new and quite difficult, the solution of which has fallen to this office. Some of these questions have been carried into the courts of the District of Columbia and elsewhere, in mandamus and injunction suits, and the work of representing the Department in this litigation and of sustaining the legislation of Congress, which is drawn in question, has been performed principally by the Assistant Attorney-General and has involved much time and labor.

I can not commend too highly the able manner in which the affairs of this office have been administered.

The matters at this time awaiting consideration and disposition are: One hundred and sixty-eight appeals from the Commissioner of the General Land Office, 32 motions for review of decisions heretofore rendered upon such appeals, 58 miscellaneous matters largely relating to Indian affairs, and 7 requests for law opinions by the Assistant Attorney-General.

The matters considered and disposed of during the year are as follows: Eleven hundred and nine decisions receiving the approval and signature of the Secretary of the Interior in appeals from the Commissioner of the General Land Office; 317 decisions receiving the approval and signature of the Secretary of the Interior upon motions

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for review; 644 decisions, regulations, and orders receiving the approval and signature of the Secretary of the Interior in miscellaneous matters; 65 law opinions receiving the signature of the Assistant Attorney-General and the approval of the Secretary of the Interior, and 1,090 decisions upon pension appeals receiving the approval and signature of the Assistant Secretary of the Interior.

The more important of the land decisions and opinions are included in volumes 30 and 31 of the "Land Decisions," the latter volume being now in course of publication.

### INDIAN AFFAIRS.

The total Indian population of the United States, exclusive of the New York Indians and those in the Indian Territory embraced in what is generally known as the Five Civilized Tribes, is approximately 178,919; they are located on 156 reservations in various sections of the country, containing about 55,127,000 acres.

During the past year 8,857 allotments have been made, having an approximate acreage of 1,125,970.80 acres. Allotments of land in severalty, embracing in the aggregate 7,862,475.11 acres, have been made since the passage of the act of February 8, 1887 (24 Stats., 388), to approximately 64,853 Indians.

The general condition among the Indians during the year has been fairly satisfactory. Aside from the disturbance created in the Indian Territory by certain full-blood Creek Indians, known as the Snake Band, which was easily suppressed, no serious troubles have occurred.

Some progress toward civilization has been made, but not in such a degree as the efforts put forth by the Government for the betterment of their condition and the large expenditure of money for their comfort and enlightenment would seem to justify.

The management of the Indian service in the field and in the schools, while satisfactory under existing conditions, is not deemed to be the best for the welfare of the Indians, and different methods will hereafter be adopted. This policy, as hereinafter indicated, contemplates requiring the working by Indian allottees able to do so of a fair portion of lands allotted them and the contributing by their industry to their own support of all not entirely disqualified by actual disability physical or otherwise; the discontinuance of the issue of rations to those known and determined to be able to support themselves, and the extension to the latter of every possible aid for their well-being and encouragement; the inauguration of industrial training in all school where not now established, so that Indians of both sexes may be taught the trades or industries adapted to their circumstances.

The Indian school courses, which originally contemplated the giving of a common school education, have been conducted on a plane far beyond the ordinary needs of one whose every-day pursuits would in all probability be largely confined for a long time to the farm and



industry of stock raising. The foundation of an education usually laid in the common schools of the country is all that the Government could reasonably be expected to furnish the Indian, and therefore the course in all Government schools outside, as well as on reservations, will be confined to the essentials of such an education.

The six nations composing the New York Indians number about 5,231, and are located on eight small reservations, aggregating in all 88,000 acres in the State of New York, to some of whom small sums of money and other annuities are distributed under treaty stipulations. The Five Civilized Tribes in the Indian Territory comprise the Choctaw, Chickasaw, Creek, Cherokee, and Seminole Indians. Their estimated population, including freedmen, is 84,507. The lands in the Territory controlled by the Five Civilized Tribes have an aggregate area of approximately 19,175,614 acres. About 300,648 white people, noncitizens, are said to be living within the boundaries of the Five Civilized Tribes. Two thousand and twenty-one allotments have been made to the members of the Seminole tribe of Indians, and in the Creek Nation there have been recorded 10,617 selections for allotments.

During the year there were employed 1,621 Indians in the agency service proper as clerks, police, harness makers, teamsters, herders, shoemakers, butchers, blacksmiths, and kindred occupations to whom salaries were paid aggregating \$315,802, and in the Indian school service there were employed 679 Indians, who worked as nurses, matrons, clerks, cooks, laundresses, industrial and other teachers, receiving salaries aggregating \$247,000.17.

### FINANCIAL.

**APPROPRIATIONS.**—The aggregate appropriations on account of Indian service for the fiscal year ending June 30, 1901, was \$9,040,475.89. Of this amount, \$8,873,239.24 was provided for in the Indian appropriation act for the fiscal year 1901, approved May 31, 1900, and \$167,236.65 by the deficiency acts of January 4 and March 3, 1901.

The amount appropriated for the fiscal year ending June 30, 1902, is \$9,736,186.09, being an excess for 1902 over 1901 of \$695,710.20, and the items of difference between 1901 and 1902 are as follows:

Increase:

Incidental expenses .....	\$720. 00
Support of schools .....	160, 846. 35
Payment for lands .....	1, 249, 000. 00
Capitalization of annuities .....	154, 400. 00
Total .....	1, 564, 966. 35

Decrease:

Current and contingent expenses .....	\$106, 000. 00
Fulfilling treaty stipulations .....	286, 601. 36
Miscellaneous support .....	18, 500. 00
Miscellaneous .....	462, 154. 79
	<hr/>
	869, 256. 15

Net increase .....	695, 710. 20
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# REPORT OF THE SECRETARY OF THE INTERIOR.

The different objects of appropriation for the Indian service for the years 1901 and 1902, respectively, are shown in the following table:

	1901.	1902.
Current and contingent expenses .....	\$844,240.00	\$738,240.00
Fulfilling treaty stipulations .....	2,512,447.45	2,229,846.00
Miscellaneous supports, gratuities.....	646,500.00	628,000.00
Incidental expenses.....	92,680.00	93,400.00
Support of schools.....	3,083,403.65	3,244,250.00
Miscellaneous .....	1,185,204.79	723,050.00
Payment for lands.....	676,000.00	1,925,000.00
Capitalization of annuities .....		154,400.00
Total .....	9,040,475.89	9,736,186.00

Excess of 1902 over 1901, \$695,710.20

**EXPENDITURES.**—The following sums were expended on account of the Indian service for the fiscal year ending June 30, 1901, from moneys appropriated, from trust funds, including principal and interest, and from grazing moneys, in all aggregating \$10,896,073.35, viz:

Current and contingent expenses .....	\$747,997.80
Fulfilling treaty stipulations .....	2,413,090.50
Miscellaneous support—gratuities.....	644,446.10
Trust fund:	
Principal .....	\$392,042.39
Interest .....	1,347,605.80
	<hr/>
	1,739,648.19
Incidental expenses .....	80,196.70
Support of schools.....	3,024,021.80
Miscellaneous .....	2,246,672.00
Total .....	10,896,073.35

**INCOME.**—The income of the various Indian tribes from all sources during the year may be stated as follows: Interest on trust funds \$1,500,862.38; treaty and agreement obligations, \$2,493,249.93; gratuities, \$733,400; Indian moneys, proceeds of leases, labor, etc. \$611,368.23; aggregating \$5,338,880.54, as against \$5,599,883.11 for the previous fiscal year—a falling off of \$260,952.57, of which \$209,398.89 is due to the expiration of treaty obligations and the remainder to a decrease in the proceeds of labor, leases, etc.

## EDUCATION.

It was stated in my last annual report that "The Indian school system does not contemplate giving the Indian what is known as 'higher education.'" While this is true in the abstract, the system in vogue, especially in the nonreservation schools, and even in some of those upon reservations, seems to be gradually growing into one that is leading up to the higher branches of education, thus uniting the Indian for home life with his tribe upon the reservation after his course is completed, and it is seriously questioned whether

the present method is calculated to accomplish the good results hoped for. I doubt it very much, and for some time have been of the opinion that too much attention is paid to branches outside of those necessary to give the Indian pupil a common-school education. I am confirmed in my opinion that the curriculum should be restricted to the common-school course, because of facts that have been brought to my attention by the Commissioner of Indian Affairs in his annual report.

Industrial training should and will be inaugurated in both the nonreservation and reservation boarding schools, where not already established, to consist of carpentry, blacksmithing, harness, shoe, and wagon making, and such other industries or trades as males may be adapted to, and females ought to be trained especially in laundering, cookery, tailoring, dressmaking, and the arts of housekeeping, to which more than ordinary attention should be paid.

With this knowledge as a foundation, the Indian youth would be fully as well, if not better, equipped for the battle of life than are a large majority of the sons and daughters of those who people the sections where the Indians are located, and the foundation for whose education is laid in the district or common schools for the neighborhood, where eventually the Indians themselves must necessarily seek the knowledge that they are now getting through the munificence of the Government.

If "higher education" be desired, the means to supply the same should be furnished by the individual effort of those who seek it, or by those interested in such individuals. Otherwise the Government might justly be charged with discriminating against those who pay the taxes from which is derived the funds that go to support schools for Indians. In other words, the time has come when the Indian must make an effort at self-support and for the support of those dependent upon him; and I know of no greater use to which a portion of his money may be devoted, if he desires better education for his children, than for himself to pay the expense thereof. The Government will provide the means upon which to found such "higher education," but it should not be expected or asked to do more.

I am of the opinion that nonreservation schools have fully served their purpose, and that further extension of these schools should not be permitted, but rather that increase in facilities for education of Indians should be sought in the district or common schools of the States and Territories adjacent to reservations, and in the establishment of more day and boarding schools upon reservations. In the utility and usefulness of the latter the older Indians would have object lessons, and be less inclined to object to permitting their children to attend schools.

SCHOOLS.—The number of nonreservation schools remains the same as at the date of the last annual report (25), but with an increase of 676 in the average attendance.

There were 88 so-called reservation boarding schools, an increase of 7 over the previous year, with an increase in the average attendance of 1,222 pupils.

There were 138 day schools in operation last year, a decrease of 9 from the number of the previous year, with a decreased attendance of 248 pupils.

Contracts with 19 public schools for the education of Indian youths were in operation last year, 3 less than the year before; but the average attendance was 131, an increase of 13 over that year.

**ATTENDANCE.**—Exclusive of the Indians in New York and among the Five Civilized Tribes, the following are statistics for school attendance during the fiscal years 1900 and 1901:

Kind of school.	Enrollment.			Average attendance.			Number of schools, 1901.
	1900.	1901.	Increase.	1900.	1901.	Increase.	
Government schools:							
Nonreservation boarding..	7,430	7,928	498	6,241	6,917	676	25
Reservation boarding.....	9,604	10,782	1,178	8,094	9,316	1,222	88
Day .....	5,090	4,622	1,468	3,525	3,277	1,248	138
Total.....	22,124	23,332	1,208	17,860	19,510	1,650	251
Contract schools:							
Boarding.....	2,376	.....	<sup>1</sup> 2,376	2,098	.....	<sup>1</sup> 2,098	.....
Day .....	30	.....	<sup>1</sup> 30	24	.....	<sup>1</sup> 24	.....
Boarding specially appropriated for.....	400	<sup>3</sup> 130	<sup>1</sup> 270	329	<sup>3</sup> 111	<sup>1</sup> 218	1
Total.....	2,806	130	<sup>1</sup> 2,676	2,451	<sup>3</sup> 111	<sup>1</sup> 2,340	1
Public schools.....	246	257	11	118	131	13	( <sup>4</sup> )
Mission boarding.....	1,062	3,531	2,469	946	3,120	2,174	47
Mission day .....	213	272	59	193	205	12	5
Total.....	1,521	4,060	2,539	1,257	3,456	2,199	52
Aggregate.....	26,451	27,522	1,071	21,568	23,077	1,509	304

<sup>1</sup> Decrease.

<sup>2</sup> Taken up in mission schools.

<sup>3</sup> Hampton.

<sup>4</sup> Nineteen public schools in which pupils are taught; not enumerated here.

**SCHOOL PLANTS, ETC.**—In view of the large amounts annually expended in the erection and repair of school plants, which averages over \$500,000 per annum, it was deemed to be in the interest of economy and good business management to engage the services of experts to plan and supervise the construction of new buildings and water, sewer, heating, and lighting systems, and not, as heretofore, rely in too large a degree on the judgment of agents, school superintendents, and other officials in such matters. Therefore, in July last a supervisor of engineering and a supervisor of construction were employed, whose duty it will be to take charge of all matters pertaining to construction and repair of school plants. I have no doubt that the employment of these experts will result in a more economical use of the funds.

appropriated for the erection and improvement of school plants, as well as better construction and generally more satisfaction in all matters of detail.

Besides the general appropriation of \$240,000, appropriations for specified localities amounting to \$419,050 have been made for use during the current fiscal year in the construction, purchase, lease, and repair of school buildings, and for sewerage, water, heating, and lighting systems, and for the purchase of school sites, etc. Substantial improvements are now being made to many of the school plants, and some new buildings are under construction.

**IMPROVEMENTS TO SCHOOL PLANTS.**—Improvements to school plants have been made during the fiscal year ending June 30, 1901, at the Cheyenne and Arapaho Agency, Okla.; Colville Agency, Wash.; Fort Yuma, Ariz.; Fort Lewis, Colo.; Green Bay Agency, Wis.; Hoopa Valley, Cal.; Jicarilla, N. Mex.; Klamath, Oreg.; Lac du Flambeau, Wis.; Leech Lake, Minn.; Ponca, Sac and Fox, and Pawnee, Okla.; Oneida, Wis.; San Carlos, Ariz.; Pima, Ariz.; Greenville, Cal.; Cass Lake, Minn., and Yankton, S. Dak.

The capacities of a number of schools have been increased by the erection of new dormitories. A new school plant has been completed for the Winnebago Reservation, in Nebraska, for the accommodation of 80 to 100 pupils, one for the Southern Ute Reservation will be ready by January 1, 1902, and one for the accommodation of 125 pupils for the Jicarillas, in New Mexico, will soon be completed.

In addition to the foregoing improvements, a number of such have been specially appropriated for by Congress for nonreservation schools, while for other schools treaty funds have been available.

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and it is hoped that this school will be opened during the current fiscal year.

Other improvements are contemplated or being made, notably at the Grand River school, on the Standing Rock Reservation, in North Dakota, where the old buildings are to be remodeled, a new school building erected, and a complete water and sewer system established, at a cost of nearly \$40,000.

Provision was made by the Indian appropriation act for the fiscal year 1902 for the establishment of an Indian industrial school at Mandan, N. Dak., "upon lands to be donated to the Government for that purpose, of not less than 160 acres in extent," and \$50,000 was appropriated for the erection and completion of the buildings.

A number of sites have been offered, but no selection has so far been made.

### CUTTING OFF RATIONS TO INDIANS.

In a communication to the Executive, on November 26, 1900, on the subject of the issue of rations to Indians, the Department took occasion to invite attention to the stipulations of the treaties and agreements with the Great Sioux Nation, which obligate the Indians to provide for themselves when able to do so.

I then said, in effect, referring to certain individual Indians who complained that they had not been supplied with the full ration promised by their treaty, that a daily ration had been furnished them of sufficient quantity, "if properly cared for and used with providence, to amply provide for all their needs."

After a review of what had been done under the treaties by the Government for the bands to which these particular Indians belonged, I stated further:

From the representations made by the writers of the communications referred to, it does not seem that they or the other Indians of the \* \* \* Agency are any nearer the goal of self-support than they were twenty-four years ago, when the treaty was made. Regardless of the provision in the treaty looking to the reduction in the ration as they become able partly, if not wholly, to sustain themselves, which they appear to be able to do, and notwithstanding the facts stated by the Commissioner that individual Indians of this band own nearly 20,000 head of cattle, and that more than 1,500 head were purchased from them last year, at a cost to the Government of more than \$50,000, which cattle were afterwards issued to and eaten up by the band, they still claim full benefits under the treaty named.

From the facts stated, it does seem that the time has come when individual Indians who are so well qualified to at least furnish a part of their own support, as some of these Indians seem to be, should be required to take upon themselves a portion of the burden of their own care. The Government has faithfully and well fulfilled its obligations to them, and as the treaty \* \* \* is mutual in its provisions—

I recommended that those who were known to be able to do so should be required to support themselves and families, and that no rations be issued to them.

Notice was accordingly given by the Commissioner of Indian Affairs to the agents of six of the Sioux agencies, and with much gratification

industry of stock raising. The foundation of an education usually laid in the common schools of the country is all that the Government could reasonably be expected to furnish the Indian, and therefore the course in all Government schools outside, as well as on reservations, will be confined to the essentials of such an education.

The six nations composing the New York Indians number about 5,232, and are located on eight small reservations, aggregating in all 88,000 acres in the State of New York, to some of whom small sums of money and other annuities are distributed under treaty stipulations. The Five Civilized Tribes in the Indian Territory comprise the Choctaw, Chickasaw, Creek, Cherokee, and Seminole Indians. Their estimated population, including freedmen, is 84,507. The lands in the Territory controlled by the Five Civilized Tribes have an aggregate area of approximately 19,475,614 acres. About 300,648 white people, noncitizens, are said to be living within the boundaries of the Five Civilized Tribes. Two thousand and twenty-one allotments have been made to the members of the Seminole tribe of Indians, and in the Creek Nation there have been recorded 10,617 selections for allotments.

During the year there were employed 1,621 Indians in the agency service proper as clerks, police, harness makers, teamsters, herders, shoemakers, butchers, blacksmiths, and kindred occupations to whom salaries were paid aggregating \$315,802, and in the Indian school service there were employed 679 Indians, who worked as nurses, matrons, clerks, cooks, laundresses, industrial and other teachers, receiving salaries aggregating \$247,000.17.

### FINANCIAL.

**APPROPRIATIONS.**—The aggregate appropriations on account of Indian service for the fiscal year ending June 30, 1901, was \$9,040,475.89. Of this amount, \$8,873,239.24 was provided for in the Indian appropriation act for the fiscal year 1901, approved May 31, 1900, and \$167,236.65 by the deficiency acts of January 4 and March 3, 1901.

The amount appropriated for the fiscal year ending June 30, 1902, is \$9,736,186.09, being an excess for 1902 over 1901 of \$695,710.20, and the items of difference between 1901 and 1902 are as follows:

**Increase:**

Incidental expenses .....	\$720. 00
Support of schools .....	160, 846. 35
Payment for lands .....	1, 249, 000. 00
Capitalization of annuities .....	154, 400. 00
Total .....	1, 564, 966. 35

**Decrease:**

Current and contingent expenses .....	\$106, 000. 00
Fulfilling treaty stipulations .....	286, 601. 36
Miscellaneous support .....	18, 500. 00
Miscellaneous .....	462, 154. 79
	<hr/>
	869, 256. 15

Net increase ..... 695, 710. 20



The different objects of appropriation for the Indian service for the years 1901 and 1902, respectively, are shown in the following table:

	1901.	1902.
Current and contingent expenses .....	\$844,240.00	\$738,240.00
Fulfilling treaty stipulations .....	2,512,447.45	2,229,846.09
Miscellaneous supports, gratuities.....	646,500.00	628,000.00
Incidental expenses.....	92,680.00	93,400.00
Support of schools.....	3,083,403.65	3,244,250.00
Miscellaneous .....	1,185,204.79	723,050.00
Payment for lands.....	676,000.00	1,925,000.00
Capitalization of annuities .....		154,400.00
Total .....	9,040,475.89	9,736,186.09

Excess of 1902 over 1901, \$695,710.20

**EXPENDITURES.**—The following sums were expended on account of the Indian service for the fiscal year ending June 30, 1901, from moneys appropriated, from trust funds, including principal and interest, and from grazing moneys, in all aggregating \$10,896,073.35, viz:

Current and contingent expenses .....		\$747,997.87
Fulfilling treaty stipulations .....		2,413,090.50
Miscellaneous support—gratuities .....		644,446.16
Trust fund:		
Principal .....	\$392,042.39	
Interest .....	1,347,605.80	
		1,739,648.19
Incidental expenses .....		80,196.78
Support of schools.....		3,024,021.81
Miscellaneous .....		2,246,672.04
Total .....		10,896,073.35

**INCOME.**—The income of the various Indian tribes from all sources during the year may be stated as follows: Interest on trust funds, \$1,500,862.38; treaty and agreement obligations, \$2,493,249.93; gratuities, \$733,400; Indian moneys, proceeds of leases, labor, etc., \$611,368.23; aggregating \$5,338,880.54, as against \$5,599,883.11 for the previous fiscal year—a falling off of \$260,952.57, of which \$209,398.89 is due to the expiration of treaty obligations and the remainder to a decrease in the proceeds of labor, leases, etc.

## EDUCATION.

It was stated in my last annual report that “The Indian school system does not contemplate giving the Indian what is known as a ‘higher education.’” While this is true in the abstract, the system in some into one us unfit-servation whether

the present method is calculated to accomplish the good results hoped for. I doubt it very much, and for some time have been of the opinion that too much attention is paid to branches outside of those necessary to give the Indian pupil a common-school education. I am confirmed in my opinion that the curriculum should be restricted to the common-school course, because of facts that have been brought to my attention by the Commissioner of Indian Affairs in his annual report.

Industrial training should and will be inaugurated in both the nonreservation and reservation boarding schools, where not already established, to consist of carpentry, blacksmithing, harness, shoe, and wagon making, and such other industries or trades as males may be adapted to, and females ought to be trained especially in laundering, cookery, tailoring, dressmaking, and the arts of housekeeping, to which more than ordinary attention should be paid.

With this knowledge as a foundation, the Indian youth would be fully as well, if not better, equipped for the battle of life than are a large majority of the sons and daughters of those who people the sections where the Indians are located, and the foundation for whose education is laid in the district or common schools for the neighborhood, where eventually the Indians themselves must necessarily seek the knowledge that they are now getting through the munificence of the Government.

If "higher education" be desired, the means to supply the same should be furnished by the individual effort of those who seek it, or by those interested in such individuals. Otherwise the Government might justly be charged with discriminating against those who pay the taxes from which is derived the funds that go to support schools for Indians. In other words, the time has come when the Indian must make an effort at self-support and for the support of those dependent upon him; and I know of no greater use to which a portion of his money may be devoted, if he desires better education for his children, than for himself to pay the expense thereof. The Government will provide the means upon which to found such "higher education," but it should not be expected or asked to do more.

I am of the opinion that nonreservation schools have fully served their purpose, and that further extension of these schools should not be permitted, but rather that increase in facilities for education of Indians should be sought in the district or common schools of the States and Territories adjacent to reservations, and in the establishment of more day and boarding schools upon reservations. In the utility and usefulness of the latter the older Indians would have object lessons, and be less inclined to object to permitting their children to attend schools.

SCHOOLS.—The number of nonreservation schools remains the same as at the date of the last annual report (25), but with an increase of 676 in the average attendance.

There were 88 so-called reservation boarding schools, an increase of 7 over the previous year, with an increase in the average attendance of 1,222 pupils.

There were 138 day schools in operation last year, a decrease of 9 from the number of the previous year, with a decreased attendance of 248 pupils.

Contracts with 19 public schools for the education of Indian youths were in operation last year, 3 less than the year before; but the average attendance was 131, an increase of 13 over that year.

ATTENDANCE.—Exclusive of the Indians in New York and among the Five Civilized Tribes, the following are statistics for school attendance during the fiscal years 1900 and 1901:

Kind of school.	Enrollment.			Average attendance.			Number of schools, 1901.
	1900.	1901.	Increase.	1900.	1901.	Increase.	
Government schools:							
Nonreservation boarding..	7,430	7,928	498	6,241	6,917	676	25
Reservation boarding.....	9,604	10,782	1,178	8,094	9,316	1,222	88
Day .....	5,090	4,622	1,468	3,525	3,277	1,248	138
Total.....	22,124	23,332	1,208	17,860	19,510	1,650	251
Contract schools:							
Boarding.....	2,376		<sup>1</sup> 2,376	2,098		<sup>1</sup> 2,098	
Day .....	30		<sup>1</sup> 30	24		<sup>1</sup> 24	
Boarding specially appropriated for.....	400	<sup>3</sup> 130	<sup>1</sup> 270	329	<sup>3</sup> 111	<sup>1</sup> 218	<sup>1</sup>
Total.....	2,806	130	<sup>1</sup> 2,676	2,451	<sup>3</sup> 117	<sup>1</sup> 2,340	<sup>1</sup>
Public schools.....	246	257	11	118	131	13	( <sup>4</sup> )
Mission boarding.....	1,062	3,531	2,469	946	3,120	2,174	47
Mission day .....	213	272	59	193	205	12	5
Total.....	1,521	4,060	2,539	1,257	3,456	2,199	52
Aggregate.....	26,451	27,522	1,071	21,568	23,077	1,509	304

<sup>1</sup> Decrease.

<sup>2</sup> Taken up in mission schools.

<sup>3</sup> Hampton.

<sup>4</sup> Nineteen public schools in which pupils are taught; not enumerated here.

SCHOOL PLANTS, ETC.—In view of the large amounts annually expended in the erection and repair of school plants, which averages over \$500,000 per annum, it was deemed to be in the interest of economy and good business management to engage the services of experts to plan and supervise the construction of new buildings and water, sewer, heating, and lighting systems, and not, as heretofore, rely in too large a degree on the judgment of agents, school superintendents, and other officials in such matters. Therefore, in July last a supervisor of engineering and a supervisor of construction were employed, whose duty it will be to take charge of all matters pertaining to construction and repair of school plants. I have no doubt that the employment of these experts will result in a more economical use of the funds

appropriated for the erection and improvement of school plants, as well as better construction and generally more satisfaction in all matters of detail.

Besides the general appropriation of \$240,000, appropriations for special localities amounting to \$419,050 have been made for use during the current fiscal year in the construction, purchase, lease, and repair of school buildings, and for sewerage, water, heating, and lighting systems, and for the purchase of school sites, etc. Substantial improvements are now being made to many of the school plants, and some new buildings are under construction.

**IMPROVEMENTS TO SCHOOL PLANTS.**—Improvements to school plants have been made during the fiscal year ending June 30, 1901, at the Cheyenne and Arapaho Agency, Okla.; Colville Agency, Wash.; Fort Yuma, Ariz.; Fort Lewis, Colo.; Green Bay Agency, Wis.; Hoopa Valley, Cal.; Jicarilla, N. Mex.; Klamath, Oreg.; Lac du Flambeau, Wis.; Leech Lake, Minn.; Ponca, Sac and Fox, and Pawnee, Okla.; Oneida, Wis.; San Carlos, Ariz.; Pima, Ariz.; Greenville, Cal.; Cass Lake, Minn., and Yankton, S. Dak.

The capacities of a number of schools have been increased by the erection of new dormitories. A new school plant has been completed for the Winnebago Reservation, in Nebraska, for the accommodation of 80 to 100 pupils, one for the Southern Ute Reservation will be ready by January 1, 1902, and one for the accommodation of 125 pupils for the Jicarillas, in New Mexico, will soon be completed.

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I recommended that those who were known to be able to do so should be required to support themselves and families, and that no rations be issued to them.

Notice was accordingly given by the Commissioner of Indian Affairs to the agents of six of the Sioux agencies, and with much gratification

I am now able to report that at one agency 870 names were dropped from the ration rolls, 400 at another, and 300 at another—all these persons being declared and found to be entirely self-supporting, some of them having grown wealthy and some being able to live in comparative affluence.

Similar orders were given to Indian agents having charge of agencies where a modified (not full) ration has been furnished as a gratuity (not under treaty or agreement as in the case of the Sioux). In these cases the result has been equally gratifying, and it is felt that a great step toward independence has been taken by the Indians, who have shown a willingness without apparent discontent to depend upon their individual efforts for the maintenance of themselves and families.

These self-respecting Indians deserve commendation for their determination to relieve the Government of their care and encouragement and sympathy in their efforts at self-support. Many others will doubtless follow their example, and thus the gradual discontinuance of the ration system is looked for so far as it applies to able-bodied Indians.

Of course it is expected that assistance will be needed by indigent and helpless Indians, at least until their relations or friends are able or willing to care for them or other provision for their maintenance is made.

#### ALLOTMENTS AND PATENTS.

**ALLOTMENTS ON RESERVATIONS.**—During the year 8,857 allotments were approved, as follows:

Chippewas of Lake Superior on the Bad River Reservation, Wis .....	5
Chippewas of Lake Superior on the L'Anse and Vieux d'Sert Reservation, Mich. ....	15
Chippewas of the Mississippi on the White Earth Reservation, Minn .....	4, 372
Kiowas, Comanches, and Apaches, Oklahoma .....	2, 759
Omahas, Nebraska .....	19
Sioux, Lower Brule Reservation, S. Dak .....	555
Wichitas and Affiliated Bands, Oklahoma .....	965
Winnebago, Nebraska .....	167

Schedules of 1,040 other allotments have been received at the Indian Office, but no action has been taken thereon.

**PATENTS.**—During the year 3,265 patents were issued and delivered to the following Indians:

Cheyennes and Arapahos, Oklahoma .....	4
Chippewas of Lake Superior on the Bad Earth Reservation, Wis .....	5
Chippewas of the Mississippi on the Chippewa Reservation, Minn .....	361
Chippewas of the Mississippi on the Leech Lake, Cass Lake, and other reservations in Minnesota .....	479
Colville Reservation, Wash. (restored portion) .....	432
Grande Ronde Reservation, Oreg .....	1
Mandan and others on Fort Berthold Reservation, N. Dak .....	948
Otoes, Oklahoma .....	440
Ottawas, Indian Territory .....	1
Yakimas, Washington .....	603

**CROW RESERVATION, MONT.**—The work of allotment to the Crow Indians, which was suspended several years ago because of the construction of extensive systems of irrigation, provided for by agreements with them in 1890 and 1892, was resumed during the past fiscal year.

**KIOWA, COMANCHE, AND APACHE RESERVATION, OKLA.**—Congress extended for eight months the time for opening the reservation (act of January 4, 1901, 31 Stat., 727). Allotments to the Indians were commenced at the earliest possible moment, under the auspices of Indian Inspector C. F. Nesler, and the final schedules thereof were approved by the Department on June 18 last.

**WICHITA RESERVATION, OKLA.**—Allotments to these Indians were made under the same supervision, and the final schedules were approved July 2 last. A schedule of 27 adopted members was approved July 3, 1901, one day prior to the date of the order of the President opening these and the Kiowa, etc., lands to settlement.

**NONRESERVATION ALLOTMENTS.**—The nonreservation allotments in the Redding and Susanville land districts, California, from reports that seem well founded, appear to be unsuitable, and in many cases the Indian did not know where his land was located, the Indian of course in such cases failing to settle thereon. Investigation of those in the Susanville district has been or is being made. Allotment work under the fourth section of the general allotment act of February 8, 1887, and the amendatory acts is being carried on in Oregon and Washington. No allotments to nonreservation Indians have been approved or trust patents issued for such allotments during the period of this report.

Many allotments made on the Sioux ceded lands in South Dakota under section 13 of the Sioux act of March 2, 1889 (25 Stat., 888), have been relinquished and accepted, the Indians returning to the diminished reservations whereon are located the tribes to which they belong, where they will receive other allotments if found entitled thereto.

The total number of allotments to Indians during the fiscal year 1901 was 8,857, covering 1,125,970.80 acres. The total number made to Indians from the beginning, not including grants to and reservations for individual Indians and mixed bloods mentioned by name in various treaties, is 64,853, to whom 7,862,475.11 acres were allotted.

#### LEASING OF INDIAN LANDS.

**ALLOTMENTS.**—By an act of Congress approved February 28, 1891 (26 Stat., 794), provision was made for leasing allotments for farming or grazing for a term not exceeding three years, or ten years for mining purposes, when it should "be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee



of Indian lands under the provisions of the said act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof," upon such terms, regulations, and conditions as shall be prescribed by the Secretary.

This provision was modified by the act of August 15, 1894 (28 Stat., 305), the term being extended to five years for farming or grazing, leasing for business purposes for a term of ten years being also authorized as well as for mining, and the word "inability" was inserted, and the law made to read "by reason of age, disability, or inability."

Further modification was made by the act of June 7, 1897 (30 Stat., 85), by omitting the word "inability" and changing the periods to three and five years, respectively.

By the act of March 1, 1899 (30 Stat., 941), the Indians of the Yakima Reservation were authorized to lease their allotted lands for agricultural purposes for not exceeding five years, and by the act of May 31, 1900 (31 Stat., 246), these Indians were authorized to lease "unimproved" allotted lands, for agricultural purposes, for any term not exceeding ten years, upon terms and conditions to be prescribed by the Secretary of the Interior.

Also by the same act (31 Stat., 229), the word "inability" was restored, and the term for farming leases extended to five years.

The leasing of allotments is therefore limited to three years for grazing and five for farming, mining, or business purposes, except as to the Yakimas, who may lease their "unimproved allotted" lands for agricultural purposes for "any term not exceeding ten years."

With the view of increasing the benefits to be derived by Indian allottees from the leasing of their lands, the Department, on July 16, 1900, determined that future leases should provide for some specific improvement, such as clearing and breaking of new land, erection of fences, barns, and other necessary permanent improvements, the character and value of which should be specifically stated in the lease; such substantial benefits being regarded as much more essential to the interests of the allottee than all money payment for rent would be.

Under date of January 4, 1901, the attention of the Indian Bureau was called to the fact that the majority of the leases executed under the above-mentioned provisions of law did not sufficiently show the disability of the Indian allottee or his inability to occupy or improve his allotment, and directions were given that all leases thereafter submitted for Department action should show clearly the nature and extent of the disability or inability of the Indian owner of the land; if from old age, the exact or approximate age and physical condition should be given, etc.

In view of the changes in the system of leasing, as indicated, the rules and regulations governing the same, approved September 22, 1894, were found to have become practically obsolete, and instructions were

given the Indian Office, under date of June 7, 1901, to formulate a set of new rules and regulations to conform generally to the lines followed by the Department in its action on leases during the eight or ten months immediately preceding that date.

Although the act of May 31, 1900, above referred to, permitted the leasing of the Yakima (unimproved) lands for the period of ten years, the Department has not heretofore deemed it advisable to approve such leases for more than five years; but in view of numerous applications for the ten-year leases—the applicants claiming that the long term was necessary because of great expense for clearing, fencing, irrigating, etc.—an inspector was directed to investigate the conditions on the Yakima Reservation and report as to the wisdom or necessity of long-term leases in these cases. His report (received since the end of the fiscal year) shows that leases of these lands for the maximum term provided by the act would not be advisable or beneficial to the Indians except in a few special cases. He recommended, however, that the Yakima lands be classified for leasing purposes, and this is now being done under authority of the Department.

Until within the last year, as previously indicated, it was almost impossible to obtain full facts upon which to determine the actual status of allottees whose lands were being leased, and many leases were made which doubtless should have been wholly rejected or the terms for which the leases were to run curtailed, many leases having been made for two and three year periods, and in some instances for five years. Under the present system, inaugurated more than a year ago, and the rules and regulations recently adopted for the government of the leasing of allotments the Department is more fully informed of the facts in each case presented, and consequently is better able to supervise and control where before action was necessarily taken with some doubt as to its propriety. But notwithstanding the limitations upon leasing allotments, it is felt that many allottees whose cases technically come within the provisions of the law as to “disability” and “inability” are permitted to lease who, being able, should, by strict construction of the law, be required to remain upon and work their allotments, as was evidently intended by Congress when it enacted the “general allotment act,” under the terms of which most allotments have been made. By special legislation, however, the provisions of that act have been modified and the present system has grown up, in a measure putting a premium upon idleness, and in a good many instances an end to all industrial progress.

Many protests against the system have been received and more stringent rules recommended, to the end that able-bodied allottees shall be required to at least cultivate or make use for grazing of a portion of their allotments before being permitted to lease any part thereof.

The matter is now under consideration and further rules will be formulated, in future confining full leasing privileges to those whose "disability" or "inability," to be clearly and conclusively shown, actually disqualifies them from working any part of their allotments, and in a lesser degree to those whose "disability" or "inability," also to be fully and conclusively shown, may be such as to prevent them from working more than a small part of their allotments, such part to be regulated and determined by the actual conditions; all others to be required to work at least 40 acres of their allotments.

In the last two instances the allottees will be permitted to receive a portion or percentage of the income from the rental of their allotments, to enable them to make a start either in stock raising or agriculture and for general improvements, the remainder to be retained until the expiration of the lease period, when they will be better qualified to make proper use of the same.

The following table shows the extent of the leasing of allotments for the past year:

Agency.	Number of leases.	Kind of lease.	Rate per acre per annum.
Cheyenne and Arapaho .....	316	Farming and grazing .....	25 cents to \$1.50.
Do.....	2	Business.....	\$10 and \$50 per annum.
Colville .....	6	Farming and grazing .....	About 37½ cents.
Crow Creek.....	23	Grazing .....	10 to 12½ cents.
Leech Lake.....	1	Business.....	\$50 per annum.
Nez Percé .....	42	Farming and Grazing .....	25 cents to \$2.66.
Omaha and Winnebago .....	494	.....do .....	25 cents to \$2.50.
Do.....	1	School.....	\$4 per annum.
Ponca, Pawnee, etc .....	235	Farming and grazing .....	20 cents to \$2.50.
Do.....	3	Business.....	\$10 to \$30 per annum.
Pottawatomie, etc .....	69	Farming and grazing .....	75 cents to \$3.
Puyallup .....	18	.....do .....	\$1 to \$16.50.
Round Valley .....	4	.....do .....	\$1.50 to \$2.50.
Sac and Fox.....	209	.....do .....	25 cents to \$2.50.
Santee.....	18	.....do .....	25 to 62½ cents.
Southern Ute.....	3	Business.....	\$40 to \$110 per annum.
Yakima .....	22	Farming and grazing .....	50 cents to \$2.
Yankton.....	117	.....do .....	10 to 22 cents.

**TRIBAL OR UNALLOTTED LANDS.**—Since the date of the last annual report 249 leases have been made and 6 permits granted for grazing, agricultural, and mining purposes, from which an approximate income, exclusive of the royalty on the mining leases, of \$271,734.08 will be derived for the year, full details of which are set out in the report of the Commissioner of Indian Affairs.

#### LOGGING ON INDIAN RESERVATIONS.

**CHIPPEWA INDIAN RESERVATIONS IN MINNESOTA.**—In my last annual report the statement was made that the Department, on March 30, 1899, suspended logging operations on these reservations, and that no

logging had been carried on during the year following that date. On November 2, 1900, the above order was revoked and operations authorized on the said reservations under certain rules and regulations,<sup>1</sup> which were subsequently approved, together with a form of contract to be entered into by purchasers of logs.

Under this authority \$11,949.52 was derived from timber cut from the Red Lake diminished reservation and \$27,896.83 from the White Earth diminished reservation—in both cases after payment of the expenses of cutting.

On December 21, 1900, the above-mentioned order of suspension, which also covered operations on the ceded lands of the several Chipewewa reservations in Minnesota, as well as the diminished reserves, was also revoked as to operations on the said ceded lands, and the rules and regulations adopted for the government of operations on the White Earth and Red Lake diminished reservations were extended thereto, and \$87,340.27, after the payment of expenses, is reported to have been derived from these operations.

LA POINTE AGENCY, WIS.—Logging operations on the Lac du Flambeau and Bad River reservations have progressed satisfactorily.

The act of February 12, 1901 (31 Stats., 785), authorizes the Indians of the Grand Portage Reservation to sell the timber from their allotments. The matter is now under consideration by the Commissioner of Indian Affairs.

MENOMONEE RESERVATION, WIS.—Under Department authority Menomonee Indians were employed to conduct logging on their reservation for the season 1900–1901. A total of 15,000,000 feet of timber was cut and the same sold, on sealed bids, at \$13.25 per thousand feet.

#### IRRIGATION.

Of the appropriation of \$50,000 for the fiscal year ended June 30, 1901, for irrigation, an aggregate of about \$31,300 was expended on the San Ildefonso and other pueblos, and on the Southern Ute, Navajo, and Wind River reservations, the balance having been expended in repairs, maintenance, and ditch extension on various other reservations, and payment of the salaries of the employees engaged in irrigation work.

SOUTHERN UTE RESERVATION, COLO.—During the year earnest efforts have been made by the Department to provide a system of irrigation for the Indians occupying the diminished Southern Ute Reservation, in Colorado, and on the recommendation of Inspector Graves steps have been taken looking to the purchase of perpetual water rights for these Indians.

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<sup>1</sup> Providing for the cutting and sale of dead pine, fallen or standing.

**FORT HALL RESERVATION, IDAHO.**—No settlement has been reached of the differences with the Idaho Canal Company, due to the alleged faulty construction of canals by them on the reservation, under contract, for the use of the Indians, but the Government is amply secured against any probable loss on this account. This matter has been carefully considered, but no satisfactory conclusion reached, owing to the absence of certain needed data, which is being sought, and upon its receipt further consideration will be given the matter.

**CROW RESERVATION, MONT.**—On this reservation work was continued on the construction of the Big Horn ditch, and very satisfactory progress made. The principal results accomplished were the completion of the main regulating weir or head gate, and the removal of the main obstacle to running water through the finished portions of the canal, viz, the Fort Smith cut, and it is expected that within the next few months the Big Horn Valley can be irrigated for a distance of 18 miles from the head of the ditch.

**TELEPHONE AND TELEGRAPH LINES.**—Permits have been granted certain companies to survey and locate routes for the construction of telephone lines over certain Indian reservations, under the provisions of section 3 of the act of March 3, 1901 (31 Stat., 1083), which authorizes the Secretary of the Interior to grant right of way—

for the construction, operation, and maintenance of telephone and telegraph lines \* \* \* through any Indian reservation, \* \* \* through any lands reserved for an Indian agency or Indian school, \* \* \* or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, etc.

The following companies have received such permits, viz:

Snohomish River Boom Company, Tulalip Reservation.  
 E. F. Sparrow and R. W. Black, Osage Reservation.  
 Nebraska Telephone Company, Omaha, etc., Reservation.  
 Osage and Eastern, Osage Reservation.  
 F. H. Wright, Kiowa, etc., Reservation.  
 F. H. Wright, Indian Territory.  
 Arkansas Valley Telephone and Telegraph Company, Indian Territory.  
 Indianola Telephone and Telegraph Company, Indian Territory.  
 R. H. Hall, Indian Territory.  
 Indian Territory Telephone Company, Indian Territory.  
 J. G. Rucker, Indian Territory.  
 W. H. Gates, Indian Territory.

Maps of location of the following companies have received Department approval under the provisions of said section 3, viz:

Nebraska Telephone Company, Omaha, etc., Reservation.  
 Iron Range Electric Company. Fond du Lac and Chippewa reservations.  
 Indianola Telephone and Telegraph Company, Indian Territory.  
 Indian Territory Telephone Company, Indian Territory.  
 J. G. Rucker, Indian Territory.  
 W. H. Gates, Indian Territory.

**RAILROADS ACROSS INDIAN LANDS.**—Rights of way over Indian reservations and allotments and portions of the public domain in connection therewith have been granted to certain railway companies under the provisions of the act of March 3, 1875 (18 Stat., 482), and March 2, 1899 (30 Stat., 990), as follows:

Arkansas and Choctaw, Indian Territory.  
 Blackwell, Enid and Southwestern, Kiowa, Osage, and Kaw.  
 Chicago, Rock Island and Pacific, Indian Territory and Kiowa.  
 Choctaw, Oklahoma and Gulf, Indian Territory and Kiowa.  
 Columbia Valley, Washington.  
 Denison and Northern, Choctaw and Chickasaw.  
 Fort Smith and Western, Choctaw and Creek.  
 Gainesville, McAlester and St. Louis, Indian Territory.  
 Kansas, Oklahoma Central and Southwestern Railway Company, Indian Territory.  
 Kansas City, Mexico and Orient, Oklahoma (Kiowa).  
 Kansas City, Fort Scott and Memphis, Indian Territory.  
 Kiowa, Chickasha and Fort Smith Railway Company, Indian Territory.  
 Muscogee and Western, Oklahoma.  
 Minnesota and Manitoba, Red Lake.  
 Nevada, California and Oregon, California.  
 Oklahoma City and Western, Oklahoma and Chickasaw Nation.  
 Oregon Railway and Navigation Company, Oregon.  
 Ozark and Cherokee Central, Indian Territory.  
 Omaha and Northern, Omaha and Winnebago.  
 Poteau Valley Railway Company, Choctaw.  
 Republic and Kettle River, Colville.  
 Republic and Grand Forks, Colville.  
 Seattle-Tacoma and Interurban, Puyallup.  
 St. Paul, Minnesota and Manitoba, Colville.  
 Shawnee, Oklahoma and Missouri Coal and Railway Company, Indian Territory.  
 Sulphur Springs Company, Chickasaw.  
 Watonga and Northwestern, Oklahoma.  
 Western Oklahoma, Indian Territory.  
 Washington and Great Northern, Colville.

The following companies have been granted permits to survey and locate lines of road on Indian lands under the provisions of the aforesaid act of March 2, 1899, viz:

Missouri, Kansas and Texas (extension), Indian Territory.  
 Oklahoma City and Southeastern, Choctaw and Chickasaw.  
 Eastern Oklahoma, Oklahoma and Indian Territory.  
 North Arkansas and Western Railway Company, Indian Territory.  
 Gulf, Chickasaw and Kansas Railway Company, Indian Territory.  
 Kansas, Eastern Oklahoma and Texas Railroad Company, Indian Territory.  
 St. Louis and San Francisco Railroad Company, Indian Territory.

In addition to the above, maps have been approved showing additional station grounds for the following railroad companies:

Kansas, Oklahoma Central and Southwestern, Indian Territory.  
 St. Louis, Oklahoma and Southern, Indian Territory.  
 St. Louis and San Francisco, Indian Territory.

THE INDIAN TERRITORY UNDER THE CURTIS ACT AND OTHER  
LEGISLATION.

In 1866 treaties were made by the Government with each of the Five Civilized Tribes providing, among other things, for the continuance of their tribal governments under their respective constitutions and laws when not in conflict with the Constitution and laws of the United States. The supervision by the Government was exercised through its Indian agents appointed for the respective tribes.

By the act of March 3, 1871 (16 Stat., 566), it was declared—

that no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty, but no obligation or any treaty liability made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

During the fiscal year ending June 30, 1874, the several agencies of the Five Civilized Tribes were consolidated into one union agency, which was located at Muscogee, in the Indian Territory.

On March 1, 1889, a United States court was established in said Territory, within certain limits specifically designated, and its jurisdiction was defined, excepting therefrom, however, all controversies between persons only of Indian blood (25 Stat., 783), and by the act of May 2, 1890 (26 Stat., 81), the Indian Territory was divided, and its boundaries, together with those of Oklahoma, were specially defined, and certain general laws of the State of Arkansas, designated by chapters, were put in force in the Indian Territory when not locally inapplicable or in conflict with existing law of the United States upon the subject-matter. This act also expressly declared that the Constitution and all general laws of the United States prohibiting crimes and misdemeanors within their exclusive jurisdiction, except in the District of Columbia, and the United States laws relating to banking associations shall have full force and effect in the Indian Territory, except that the courts of the Five Civilized Tribes shall have exclusive jurisdiction over all causes wherein members of the said nations are the sole parties, whether such parties are such members by virtue of treaty provisions, by blood relation, or by adoption.

Said act also guaranteed to said civilized tribes the right to punish their members for violations of tribal laws when said laws were not in conflict with the laws and treaties of the United States.

The jurisdiction of the United States courts was also extended to all controversies between Indians of different tribes, and provision was made for the appointment of United States commissioners, who were invested with all the powers of United States circuit court commissioners.



Notwithstanding the enlargement of the jurisdiction of the United States courts in the Indian Territory, the conditions therein continued to be unsatisfactory, and subsequent legislation was had with a view of remedying the defects and affording additional protection to the persons residing in said Territory.

#### THE DAWES COMMISSION.

Authority was given by section 16 of the Indian appropriation act of March 3, 1893 (27 Stat., 645), for the appointment of a commission by the President, with the advice and consent of the Senate, to consist of three members, to enter into negotiations with the Five Civilized Tribes "for the purpose of the extinguishment of the national or tribal title to any lands within that territory now held by any and all such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of said nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations or tribes aforesaid, or each of them, and the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union, which shall embrace the lands within said Indian Territory."

Said commission was duly appointed, and, by the appropriation act for sundry civil expenses of the Government approved March 2, 1895 (28 Stat., 939), the members thereof were increased to five.

The Indian appropriation act of June 10, 1896 (29 Stat., 339), directed said commission—

to continue the exercise of the authority already conferred upon them by law, and endeavor to accomplish the objects heretofore prescribed to them, and report from time to time to Congress.

Authority was also given in said act for the commission to hear applications for citizenship in any of said nations and to determine the right of the applicants to be enrolled as members thereof. Said applicants were required to apply to the commission within three months after the passage of said act, and its decisions were to be rendered within ninety days after the applications were filed. A proviso to said act confirmed the rolls of citizenship of the Five Civilized Tribes as then existing, and any person claiming the right to be added to the rolls as a citizen of either of said tribes, whose right prior thereto had either been denied or not acted upon, was authorized to apply to the proper tribal authority to be admitted to citizenship; and said application was required to be determined within thirty days from the date of the same.

THE INDIAN TERRITORY UNDER THE CARES AND ASSOCIATED  
LEGISLATION.

In Executive orders made by the Government with respect to the Five Civilized Tribes, providing among other things for the continuance of their tribal government under their respective constitutions and laws when not in conflict with the Constitution and laws of the United States. This appointment by the Government was executed through its Indian agent appointed for this respective tribe.

By the act of March 3, 1875 (19 Stat., 400), it was declared

That no Indian nation or tribe within the territory of the United States shall be acknowledged by the Government as an independent nation or power with whom the United States may contract by treaty, but no obligation or any treaty liability shall be incurred with any such Indian nation or tribe prior to March 3, 1875, shall be in force by treaty or otherwise.

During this fiscal year ending June 30, 1874, the several agencies of the Five Civilized Tribes were consolidated into one Indian agency, which was located at Muskogee, in the Indian Territory.

On March 1, 1850, a United States court was established in said Territory, within certain limits specially designated and the jurisdiction was defined, excepting therefrom, however, all controversies between persons only of Indian blood (2 Stat., 420), and by the act of May 3, 1850 (20 Stat., 31), this Indian Territory was divided, and the boundaries, together with those of Oklahoma, were specially defined, and certain general laws of the State of Arkansas, designated by chapters, were put in force in the Indian Territory when not locally inapplicable or in conflict with existing law of the United States upon the subject matter. This act also expressly declared that the Constitution and all general laws of the United States prohibiting crimes and misdemeanors within their exclusive jurisdiction, except in the District of Columbia, and the United States laws relating to banking and coinage shall have full force and effect in the Indian Territory, except that the courts of the Five Civilized Tribes shall have exclusive jurisdiction over all causes wherein members of the said nations are the sole parties, whether such parties are such members by virtue of treaty provisions, by blood relation, or by adoption.

Said act also guaranteed to said civilized tribes the right to punish their members for violations of tribal laws when said laws were not in conflict with the laws and treaties of the United States.

The jurisdiction of the United States courts was also extended to all controversies between Indians of different tribes and provision was made for the appointment of United States commissioners, who were to sit with the tribal courts.

Notwithstanding the enhancement of the jurisdiction of the United States courts in the Indian Territory, the conditions therein continued to be unsatisfactory, and subsequent legislation was had with a view to remedying this defect and affording additional protection to the persons residing in said Territory.

#### THE CIVIL COMMISSION

Authority was given by section 10 of the Indian appropriation act of March 3, 1902 (32 Stat., 404) for the appointment of a commission by the President, with the advice and consent of the Senate, to consist of three members, to enter into negotiations with the Five Civilized Tribes "for the purpose of the extinguishment of the national or tribal title to any lands within that territory now held by any and all such nations or tribes either by cession of the same or some part thereof to the United States, or by the allotment and division of the same severally among the Indians of said nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations or tribes above said on each of them and the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, as far as may be necessary, be respectful and suitable towards the ultimate creation of a state or States of the Union, which shall embrace the lands within said Indian Territory."

Said commission was duly appointed, and, by the appropriation act for sundry civil expenses of the Government approved March 3, 1902 (32 Stat., 400), the members thereof were increased to five.

The Indian appropriation act of June 10, 1900 (30 Stat., 430), directed said commission

to continue the exercise of the authority already conferred upon them by law, and endeavor to accomplish the objects heretofore presented to them, and report from time to time to Congress.

Authority was also given by said act for the commission to hear applications for citizenship in any of said tribes and to determine the right of the applicants to be enrolled as members thereof. Said applicants were required to apply to the commission within three months after the passage of said act, and its decisions were to be rendered within sixty days after the applications were filed. A provision in said act confirmed the rolls of citizenship of the Five Civilized Tribes as then existing, and any person claiming the right to be added to the rolls as a citizen of either of said tribes, whose right prior thereto had either been denied or not acted upon, was authorized to apply to the proper tribal authority to be admitted to citizenship, and said application was required to be determined within thirty days from the date of the same.

The commission was also authorized to administer oaths, issue process to compel the attendance of witnesses, and to send for persons and papers. The right of appeal was given to the tribe or any person who felt aggrieved at the decision of the tribal authorities or the commission to the United States district court within sixty days, and it was declared that the judgment of said court should be final.

The commission was also required by said act to cause a complete roll of citizenship of each of said nations to be made within six months, and to add to said roll the names of citizens whose right might be conferred under the provisions of said act, and it was declared that the rolls so made should be the rolls of citizenship of said nations or tribes, subject to the determination of said United States courts.

The commission was further directed to file lists of members as finally approved by it with the Commissioner of Indian Affairs, "to remain there for use as the final judgment of the duly constituted authorities."

It was also required to make a roll of freedmen entitled to citizenship in said tribes and to include their names with the lists of members to be filed with the Commissioner of Indian Affairs.

The act also declared it to be the duty of the United States—

to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in the Territory and afford needful protection to the lives and property of all citizens and residents thereof.

Under the Indian appropriation act approved June 7, 1897 (30 Stat., 83), said commission was directed to examine and report to Congress whether the Mississippi Choctaws were not entitled to all the rights of Choctaw citizenship, excepting the interest in the Choctaw annuities, under the treaties made with the United States.

The jurisdiction of the United States courts in the Indian Territory was further extended to all civil causes in law and equity thereafter instituted and all criminal causes for the punishment of any offense committed after January 1, 1898, by any person in the Indian Territory, and the jurisdiction of the United States commissioners under the existing laws was declared to extend to "all persons and property in said Territory."

The laws of the United States and the State of Arkansas in force in said Territory were declared to—

apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the control of like causes, and any citizen of any one of said tribes qualified who can speak and understand the English language may serve as a juror in any of said courts.

The commission was directed to continue to exercise the authority theretofore conferred upon it by law to negotiate with the Five Civilized Tribes, with a proviso that "the rolls of citizenship" referred

to in said act of June 10, 1896, "shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation and the descendants of those appearing upon said rolls, and such additional names and their descendants as have been subsequently added, either by the council of said nation, the duly authorized courts thereof, or the commission, under the act of June 10, 1896."

It was also authorized to investigate all other names upon such rolls for a period of six months after the passage of said act.

Another important provision was made in said act, namely—

that on and after January first, eighteen hundred and ninety-eight, all acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes passed, shall be certified immediately upon their passage to the President of the United States and shall not take effect, if disapproved by him, or until thirty days after their passage: *Provided*, That this act shall not apply to resolutions for adjournment, or any acts or resolutions or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes.

Additional legislation was made by the act of June 28, 1898 (30 Stat., 495), entitled, "An act for the protection of the people of the Indian Territory, and for other purposes," commonly called the "Curtis Act."

Prior thereto the commission had made an agreement with the Choctaw and Chickasaw nations on April 23, 1897, known as the "Atoka agreement," which, with certain amendments, was ratified by section 29 of said act and was subsequently duly ratified by the Choctaw and Chickasaw nations.

An agreement was also made by the commission with the representatives of the Creek Nation on September 28, 1897, which, as amended, was confirmed by section 30 of the Curtis Act, but the Creek Nation refused to ratify the same.

It was expressly provided in the agreement contained in section 29 of the Curtis Act that the tribal governments, as modified therein, should be continued until March 4, 1906, and it is stated that said stipulation was made in the belief that said governments, as modified, will prove so satisfactory that there will be no desire for further change "until the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union, but this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes."

The representatives of the Seminole Nation made an agreement with the commission, which was duly ratified by the act of Congress approved July 1, 1898. (30 Stat., 567.)

The Indian appropriation act of May 31, 1900 (31 Stat., 221, 236), contains the following provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

The Indian appropriation act of July 1, 1898 (30 Stat., 591), reduced the number of members of the Commission to the Five Civilized Tribes to four, and declared that it should continue to exercise all authority theretofore conferred on it by law.

Said act also contained a provision allowing appeals from the United States courts in the Indian Territory to the Supreme Court of the United States, by either party, in all citizenship cases and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality, or validity of any legislation affecting citizenship or the allotment of lands in the Indian Territory, under the rules and regulations governing appeals to said court in other cases.

Under the provisions of the Curtis Act the commission was required, among other things, to make correct rolls of citizenship of the members of said nations, including the freedmen, and, upon the completion of the roll of citizenship of any one of the nations, it was required to allot the exclusive use and occupancy of the surface of the land susceptible of allotment to the members appearing upon said roll, "giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same."

By the terms of the agreement in section 29 of said act it was declared that all the lands within the Indian Territory belonging to the Choctaw and Chickasaw nations shall be allotted to the members of said tribe so as to give to each member, as far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the land, but the coal and asphalt "in or under the lands allotted" were reserved from allotment.

Appropriations have been made for the expenses of the commission from time to time, and its report for the fiscal year ending June 30, 1901, gives an exhaustive account of its work, the magnitude thereof, and the difficulties to be overcome in its execution.

The expenses and work of the commission have probably reached their maximum during the past fiscal year, and while a great deal has been accomplished in the matter of the preparation of the rolls and the allotment of the lands, yet there still remains much to be accomplished before the tribal governments shall finally be dissolved and the lands thereof "be prepared for admission as a State to the Union."

On March 18, 1900, an agreement was entered into with the representatives of the Creek Nation, which, with certain amendments, was ratified by the act of March 1, 1901 (31 Stat., 861), and said agreement as amended was ratified by the Creek council on May 25, 1901, with the exception of section 36 thereof, and the same was duly proclaimed on June 25, 1901.

The agreement entered into with the representatives of the Cherokee Nation on April 9, 1900, as amended was ratified by the act of March 1, 1901 (31 Stat., 848), but was defeated by the Cherokee Nation on April 29, 1901. Afterwards the Cherokee council passed an act providing for the appointment of another commission to further negotiate with the Commission to the Five Civilized Tribes, which act, on account of the previous action of the Cherokee Nation, was sent to the President with an adverse recommendation and was disapproved by him on June 11, 1901.

The agreement, contained in section 29 of the Curtis Act, with the Choctaws and Chickasaws has been found to be imperfect and ambiguous and does not cover all the matters which should be provided for by law. On February 7, 1901, the commission entered into an agreement with the representatives of said nations for the purpose of fixing a date after which no names should be added to the rolls of the Choctaw and Chickasaw nations, and on February 23, 1901, the original agreement and an amended agreement were submitted to Congress, which, with departmental letter submitting the same, are contained in House Document No. 495, Fifty-sixth Congress, second session, but said agreement was not confirmed by Congress.

On August 5, 1901, the Department authorized the commission to enter into another agreement with the representatives of said nations looking to the closing of the rolls and relating to other matters necessary to a final adjudication of the private and public interests.

Authority has also been given to said commission to enter into a supplemental agreement with the Creek Nation with a view to remedying certain defects found in the agreement ratified on May 25, 1901, and it is believed that the agreements making the necessary changes relative to the affairs of said nations will soon be completed.

During the fiscal year ending June 30, 1901, the commission has been engaged in hearing applications for enrollment, making classifications of the lands of the several tribes, allotting the lands to the Seminoles, granting selection certificates to members of the Creek



Nation, and making the necessary surveys of the lands of the several tribes.

The number of persons listed for enrollment is as follows:

Citizens by blood and intermarriage, including names of new-born children, in the Choctaw Nation.....	20, 874	
Freedmen .....	3, 981	24, 855
Citizens by blood and intermarriage, including names of new-born children, in the Chickasaw Nation.....	7, 493	
Freedmen .....	5, 560	13, 053
Citizens by blood and intermarriage, including names of new-born children, in the Cherokee Nation.....	25, 361	
Freedmen .....	3, 150	28, 511
Citizens by blood and intermarriage, including names of new-born children, in the Creek Nation .....	10, 026	
Freedmen .....	5, 151	15, 177
Number of names on approved Seminole roll.....	2, 757	
Total .....		84, 353

The number of acres classified is as follows:

Creek Nation .....	3, 072, 813. 16
Cherokee Nation .....	4, 420, 070. 13
Chickasaw Nation.....	4, 703, 108. 05
Choctaw Nation.....	6, 950, 043. 66
Seminole Nation (previously reported) .....	365, 854. 39
Total .....	19, 511, 889. 39

Although the work of enrolling citizens has been somewhat delayed, the commission reports that commendable progress has been made in the Creek and Cherokee nations.

In the Creek Nation it has been found impossible to close the rolls until a date shall be fixed after which the children born to parents who are citizens of the nation should not be added, and also until further provision is made regulating the disposition of the lands of citizens entitled to enrollment who shall have died before allotment is made.

It appears that practically all the citizens of the Creek Nation whose names are found upon the last authenticated rolls of that tribe are listed for enrollment, and it is now only required to ascertain the names of those to be stricken from and those to be added to the rolls on account of births and deaths under the ratified agreement above referred to.

Since April, 1899, when applications were received for preliminary allotments by the Creeks, 10,617 persons have made application to select allotments, of which number 9,557 have received preliminary allotments of 160 acres and 1,060 have made partial selections; and

the selections up to and including June 30, 1901, include an area of 1,626,917 acres.

It appears that applications for enrollment as citizens of the Cherokee Nation, including Indians and freedmen, have been heard by the commission during the past year, and that progress has been necessarily slow on account of the large number of applicants and witnesses and the great volume of testimony which must be received and considered.

Reference is made by the commission to the fact that in the case of the Cherokee freedmen the testimony concerning their right to enrollment covers a period of forty years.

Concerning the enrollment of the Choctaws and Chickasaws, less progress has been made during the past year than at any other time previous. The commission states that this is due to the fact that no time has been fixed for the closing of the rolls of those tribes, and until that is done the names of children born to citizens must be added and the names of citizens who have died must be stricken from the records of the commission; that, with the exception of the determination of the claims of Mississippi Choctaws, the final rolls of Choctaw citizens, whether by blood, intermarriage, or adoption, can be completed within a comparatively short time from the date fixed for closing the rolls.

It has been very difficult to identify the Mississippi Choctaws, as required by section 21 of the Curtis Act, because more than seventy years have passed since the date of the treaty of September 27, 1830. It is therefore recommended that legislative action be taken by Congress which will more accurately define the persons who may be entitled to the benefits under said treaty and also to prescribe more definitely the method and manner of identifying such persons.

The suggestion is made that until this be done the rolls of the Choctaw and Chickasaw nations can not be finally closed.

The classification of the lands and the estimation of timber in the Indian Territory have been completed by the commission during the past fiscal year, on account of which the employees in the field have been reduced some 230, thereby lessening salaries and expenses by nearly \$30,000 per month.

The lands of the several tribes have been divided according to classes or grades, and the valuations of the same will be made by the commission, when the location and proximity of the lands to market will also be taken into consideration.

The commission has allotted nearly all of the lands in the Seminole Nation, giving to each Seminole lands valued approximately at \$300.

The commission has recommended reservations for town-site purposes, under the provisions of the act of May 31, 1900, at 21 towns in

the Creek Nation, along certain railways, and at 10 towns in the Chickasaw Nation.

Since the magnitude of the work to be done by the Government in the Indian Territory has been made known to the public less dissatisfaction has been shown on account of the apparently slow progress made by the commission.

Agreements have been made with all of the tribes, and the same have been ratified, except by the Cherokees, and it is believed that the necessary supplemental agreements will be speedily made and ratified, so that the work of the commission can be fully completed as soon as possible consistent with economy and efficiency.

The validity of the Curtis Act has been affirmed by the judicial tribunals, notably in the case of *Maxey v. Wright* (54 S. W. Rep., 807), and by the Supreme Court in *Stephens v. The Cherokee Nation* (174 U. S., 445).

The legislation concerning the Dawes Commission was intended to create and direct its administration through the Department of the Interior, so that as speedily as possible the unsatisfactory condition of affairs among the Five Civilized Tribes should be changed, and that a complete enrollment of the members of each tribe should be made and its property distributed upon a basis of equal value to the duly recognized members of the tribe.

The Department fully recognizes the difficulties that have been met, on account of which the commission has not yet accomplished the purpose of Congress as indicated in said legislation, and it is evident that according to the rate of progress hitherto made it will be many years before the work can be completed. It has also been demonstrated that a large number of persons, including white men and Indians, will in the future, as in the past, seek to prevent an early and final settlement of the affairs of said nations, in order to advance their own political, personal, and financial interests.

The first commission was created in 1893, and, with certain changes, has continued for nearly nine years, during which time its total expenses have been \$842,027.51, or an average per annum of \$93,558.61, being at the rate of \$9.96 per head, men, women, and children, of the number of Indian citizens, including freedmen, estimated to be 84,507.

As heretofore stated, the rolls of only one nation, viz, the Seminole, have been approved, and their lands have not yet been entirely allotted. The enrollment of the four remaining tribes has not been completed, and the time can not be fixed with any degree of certainty when such enrollment will be finished. While the lands of said tribes have been classified, yet the value of each tract has not been given, and this must be done before the lands can be allotted to the members upon a basis of value.

The requirement that the lands must be allotted upon the basis of value, in my judgment, is entirely impracticable, for the reason that the determination of said value must necessarily be from the indications of the surface without any knowledge of or regard for the mineral which may be hidden beneath the surface. It is a well-known fact that the Indians themselves prefer, because of the association and other influences, lands of their own selection, even though the same shall be of unequal value.

There is a vast amount of labor yet to be performed by the commission in investigating the claims of applicants for enrollment and in equalizing the value of the lands already classified, all of which will require a great deal of work in the field and at the offices of the commission, and this can not possibly be accomplished within a reasonable time by the present members of the commission, and each year's delay only increases the temptation which the continuation of the existing state of affairs will offer to the unscrupulous speculator who fully realizes the opportunities of the prize thus offered. Therefore in order to accomplish the real purpose of the act creating the Dawes Commission, namely, the complete enrollment of the legal members of said tribes, and the proper distribution of their assets, I urgently recommend that said commission be increased by four members; that a modification be made of the law which requires the lands to be distributed upon a basis of equalized valuation, and that a definite period be fixed for the completion of all the work pertaining to the allotment of lands, etc., among the Indians in the Territory.

The commission's report is hereto appended, page 185, marked "Exhibit A."

#### INSPECTOR FOR THE INDIAN TERRITORY.

Section 27 of the Curtis Act authorized the Secretary of the Interior to locate one Indian inspector in the Indian Territory—

who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law relating to affairs therein.

The third annual report of the United States Indian inspector for the Indian Territory, Mr. J. George Wright, gives in detail the work accomplished under his supervision during the past fiscal year.

On August 17, 1898, said inspector was directed to establish his headquarters at Muscogee and to assume a general supervision over the affairs of the Union Agency and such other matters requiring action by the Department, except those requiring the action of the Commission to the Five Civilized Tribes. The superintendent of schools, the revenue inspectors, and the town-site commissions report through the inspector, who makes such recommendations as he deems proper to the Department through the Commissioner of Indian Affairs.

According to the Twelfth Census of the United States, the population in the Indian Territory is as follows:

Seminole Nation .....	3, 786
Creek Nation .....	40, 674
Cherokee Nation .....	101, 754
Choctaw Nation.....	99, 681
Chickasaw Nation.....	139, 260
Total, Five Civilized Tribes .....	385, 155
Quapaw, Seneca, etc.....	6, 805
Total for the Territory.....	391, 960

and that of this number about 84,000 are thought to be members of the Five Civilized Tribes, as shown by the annexed table:

Tribe.	Popula- tion.	Total.
Choctaw.....	16, 000	20, 250
Choctaw freedmen .....	4, 250	
Chickasaw.....	6, 000	11, 500
Chickasaw freedmen .....	5, 500	
Creek.....	10, 000	15, 000
Creek freedmen .....	5, 000	
Cherokee .....	31, 000	35, 000
Cherokee freedmen .....	4, 000	
Seminole .....		2, 757
Total .....		84, 507

The report of the inspector shows that nothing has arisen in the Seminole Nation requiring special attention from him except some investigations concerning the illegal grazing and holding of cattle within its limits by noncitizens.

Mr. Charles D. Carter was appointed trustee for the Chickasaw Nation, in place of Mr. L. C. Burris, whose term had expired. Mr. Luke W. Bryan, the mine inspector for the Indian Territory, has rendered the inspector valuable assistance during the past year.

There has been an increase in the production of coal in the Choctaw Nation during the past year, as shown by the following statement:

	Tons.
July 1, 1898, to June 30, 1899 .....	1, 404, 442
July 1, 1899, to June 30, 1900 .....	1, 900, 127
July 1, 1900, to June 30, 1901 .....	2, 398, 156

Attention is called to the fact that on account of the requirements in the present form of lease that applicants must furnish satisfactory evidence of good faith, financial ability, and experience in mining operations, the number of applications for speculative purposes has largely decreased during the past year.

The following table shows the coal leases approved by the Department in the Choctaw Nation:

Name.	Num-ber.	Date of ap- proval.
During the fiscal year ended June 30, 1899:		
Choctaw, Oklahoma and Gulf Rwy.....	30	Mar. 1, 1899
John F. McMurray.....	8	Apr. 27, 1899
During the fiscal year ended June 30, 1900:		
D. Edwards & Son .....	3	Aug. 22, 1899
McKenna, Amos & Amos (since canceled).....	1	Oct. 24, 1899
McAlester Coal Mining Co.....	2	Feb. 19, 1900
Choctaw Coal and Mining Co.....	3	May 4, 1900
Sans Bois Coal Co.....	6	June 25, 1900
During the fiscal year ended June 30, 1901:		
Central Coal and Coke Co. (since canceled).....	1	Aug. 27, 1900
William Busby.....	1	Sept. 6, 1900
Samples Coal and Mining Co .....	1	Oct. 4, 1900
McAlester-Galveston Coal Mining Co .....	1	Oct. 18, 1900
H. Newton McEvers .....	1	Do.
Degnan & McConnell .....	3	Nov. 16, 1900
Folsom-Morris Coal Mining Co .....	1	Nov. 22, 1900
Ozark Coal and Rwy. Co.....	1	Dec. 8, 1900
St. Louis-Galveston Coal Mining Co .....	2	Jan. 14, 1901
Missouri, Kansas and Texas Coal Co.....	1	Feb. 12, 1901
Osage Coal and Mining Co .....	7	May 7, 1901
Atoka Coal and Mining Co .....	7	Do.
Devlin-Wear Coal Co .....	1	June 17, 1901
Total number leases .....	81	

Two of said leases have been canceled on account of the failure of the lessees to profitably operate their leases.

The following parties are operating their mines under national contracts, viz:

Kansas and Texas Coal Company.  
 Southwestern Coal and Improvement Company.  
 Hailey Coal and Mining Company.  
 Turkey Creek Coal Company.  
 Capital Coal and Mining Company.  
 J. B. McDougall.  
 M. Perona.  
 R. Sarlls.  
 Perry Brothers.  
 Caston Coal Company.

A limited amount of coal has been mined for local consumption by some other small operators under informal permits granted by direction of the Department.

The royalty of 8 cents per ton on 2,000 pounds mine run, fixed by the Department to take effect March 1, 1900, has not been changed during the past year, and royalties have been collected at that rate.

No change has been made in the rate of royalty on asphaltum, which is 60 cents per ton on refined and 10 cents per ton on crude.

The following table shows the asphalt leases approved during the years ending June 30, 1900, and June 30, 1901:

Name.	Num-ber.	Date of ap-proval.
During the fiscal year ended June 30, 1900:		
Brunswick Asphalt Co .....	1	Mar. 20, 1900
Caddo Asphalt Co .....	1	Apr. 21, 1900
Elk Asphalt Co.....	1	May 3, 1900
During the fiscal year ended June 30, 1901:		
Downard Asphalt Co.....	1	Oct. 18, 1900
M. & A. Schneider.....	1	Nov. 23, 1900
Tar Spring Asphalt Co.....	1	May 13, 1901

One or two other companies claiming to be operating under tribal charters and contracts have mined to a very limited extent during the past year.

Attention is also called to the fact that the Department has declined to approve any further applications for mining asphalt, on account of the undeveloped state of the asphalt industry, and has given authority to the inspector to grant informal permits to parties desiring to mine asphalt, thereby encouraging competition and not limiting the mining to any particular individual or company.

The amount of royalty from coal is reported to be \$198,449.35 and from asphalt \$1,214.20, or a total of \$199,663.55.

A comparative statement is given, showing the different accounts collected for the previous years, as follows:

From July 1, 1898, to June 30, 1899 .....	\$110, 145. 25
From July 1, 1899, to June 30, 1900 .....	138, 486. 40
From July 1, 1900, to June 30, 1901 .....	199, 663. 55

It appears that there are now 79 approved coal leases in effect and 6 asphalt leases, making a total of 85, and that there are 10 operators still mining under national and tribal contracts.

The royalties derived from coal and asphalt in the Choctaw and Chickasaw nations are placed to the credit of said tribes in their proportionate shares, to be used for the education of the children of Indian blood of the members of the tribes, as shall be necessary.

No mineral leases have been made for lands in the Creek Nation under the provisions of the Curtis Act, but informal permits have been granted to several parties to strip coal in small quantities on the prospective allotments selected by Indians with their consent, and the coal royalty collected at the rate of 8 cents per ton amounted during the fiscal year to \$4,128.22, showing an increase of \$1,104.95 over the amount collected for the previous year, which was \$3,023.27.

Since the ratification of the recent agreement with the Creek Nation all coal permits theretofore issued in the Creek Nation have been revoked.

No application for mineral lease in the Cherokee Nation has been received or approved during the past year; but certain informal permits have been granted to mine coal in the Cherokee Nation the same as in the Creek Nation, and the amount of royalty, at 8 cents per ton, collected is \$6,326.87, being an increase of \$2,470.86 over the amount paid during the previous year, which was \$3,856.01.

Satisfactory progress has been made in the surveying and laying out of town sites under the provisions of the Curtis Act, and also the Indian appropriation act of May 31, 1900 (31 Stat., 221), which contains the provision that "the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns."

There are also certain other provisions in said act authorizing the Secretary of the Interior, upon the recommendation of the Commission to the Five Civilized Tribes, to set aside new town sites along the lines of railroads which shall be constructed or in process of construction through the Territory, and also to authorize the surveying and platting of town sites by contract, and to grant the permission to the authorities of any town to survey and plat its own town site at the expense of the town, subject to the supervision and approval of the Department.

Under said provisions relative to reserving land for town-site purposes along the lines of railroads the Department has segregated during the year town sites at 8 stations in the Creek Nation and 10 in the Chickasaw Nation, along the line of the St. Louis, Oklahoma and Southern Railway, which extends from Sapulpa, Creek Nation, to Denison, Tex.

The names of the towns in the various nations whose exterior limits have been established are given, showing 25 in the Choctaw Nation, 42 in the Chickasaw Nation, 8 in the Creek Nation, and 29 in the Cherokee Nation, and one town in each of the Choctaw and Chickasaw nations whose exterior limits are yet to be fixed.

The cost of surveying and platting town sites has been, on an average, about \$3.50 per acre, and the expense per acre in the future will probably be less on account of the experience which the surveying parties have had.

The efforts on the part of towns to survey and plat their own town sites, under the provisions of the act of May 31, 1900, have not been satisfactory, and the work has had to be done over again by the Government officers; the plats of only four towns in the Choctaw Nation



made by the town-site authorities have been approved by the Department.

Attention is called to the difficulty of collecting the tribal revenues of the respective nations on account of the refusal of the noncitizens to pay the taxes in accordance with the tribal laws and the regulations of this Department.

The revenues of the Choctaw and Chickasaw nations are collected by the tribal authorities, except the royalties on coal and asphalt and for timber cut for railroads and mines.

The Department has been requested by the chief executives of said nations from time to time to remove persons refusing to pay the tribal taxes under the provisions of sections 2147 to 2150, inclusive, Revised Statutes, and such persons have been removed.

The revenues in the Creek Nation are collected and disbursed by the United States authorities, and the right to collect such taxes has been sustained by the judicial tribunals of the Territory and the United States court of appeals in the case of *Maxey v. Wright* (54 S. W. Reporter, 807).

The total amount of revenue collected from all sources in the Creek Nation during the past year is \$30,827.60. The expenses of the United States revenue inspector, which are paid from said sum, were \$4,230.80, and exchange was \$52.32, leaving \$26,544.46 to the credit of the nation.

The comparative statement furnished shows a material increase in the net amount to the credit of the nation.

The recent agreement with the Creeks, ratified on May 25, 1901, does not change the tribal tax laws of said nation except that no permit tax is required from noncitizens for the privilege of renting lands for agricultural purposes, nor is a tax required upon cattle regularly grazed by Creek citizens upon their selections.

In the Cherokee Nation no revenue has been collected from Cherokee citizens carrying on a mercantile business in said nation on account of the decision in the United States court enjoining the officials from collecting said tax.

The total amount of revenue collected for the Cherokee Nation is \$19,392.65; the expenses of the revenue inspector for said nation, which are also paid from the amount collected, are \$4,038.34, which, with \$37.13 paid for exchange, leaves a net balance of \$15,317.18 to the credit of the nation, which is a net increase of \$1,695.14 over the amount collected for the previous year.

Attention is called to the report of Mr. John D. Benedict, superintendent of schools in said Territory, and also to the reports of the supervisors for the Choctaw, Cherokee, and Creek nations, submitted with his report.

According to the report of the superintendent of schools, the schools have been maintained in the Choctaw Nation satisfactorily during the

past year, and the boarding schools will compare favorably with the average high school in the States; that much progress has been made in manual training and industrial work, and the enlarged attendance in the boarding and neighborhood schools shows the increased interest in educational matters.

There are 5 boarding schools or academies in the Choctaw Nation, 2 of which are orphan academies, whose pupils remain the entire year. The term is nine months, and there have been enrolled 525 pupils, with an average attendance of 430 and a cost of \$58,469.84, or \$135.98 per capita. For the same time there were 161 neighborhood or day schools, with 2,879 pupils, average attendance of 1,924 and a total cost of \$34,391.02, or \$17.87 per capita. Besides said day schools, 305 Choctaw pupils attended day schools in the Chickasaw Nation, for whom teachers were paid \$2 per month, making a total expenditure for Choctaw pupils residing in the Chickasaw Nation of \$3,147.70, showing a total cost of \$96,008.56; whole number of pupils, 3,709; average attendance, 2,555 in the Choctaw Nation.

In the Chickasaw Nation the schools have been maintained from the funds other than the royalties on coal and asphalt. On April 11, 1901, an agreement was made with the tribal authorities whereby the funds that have accrued from the royalties on coal and asphalt should be applied to the indebtedness incurred on account of the support of the schools.

No figures are given of the cost of the schools of the Chickasaw Nation during the past fiscal year, the number of pupils, nor the average attendance. It is believed, however, that under the agreement above referred to, the proper supervision will be exercised over the appointment of teachers and the disbursement of funds, and the schools will become more efficient in the future.

During the past year the Creek Nation has supported 9 boarding schools, 6 for Indian children and 3 for children of freedmen; 64 neighborhood schools, 41 for Indian and 23 for colored children. In the 9 boarding schools there were 591 pupils; average attendance, 450; total cost, \$50,470.40, or \$112.16 per capita. In the neighborhood schools there were enrolled 2,070 pupils, an average attendance of 957 and a total cost of \$17,788.28, or \$18.58 per capita, making a total enrollment of 2,661 pupils, average attendance of 1,407, and total cost of \$68,258.68.

There have been in the Cherokee Nation during the past year 3 boarding schools and 1 colored high school. The number of pupils has been 686; average attendance, 455; total cost, \$48,275, or \$106.10 per capita. During seven months of the year there have been 124 neighborhood or day schools with 4,153 pupils, average attendance of 2,356, cost \$34,460, or \$14.63 per capita, making the whole number of pupils 4,839, average attendance 2,811, and the whole cost \$82,735.

the fact that the strike was not a general one, and that the majority of the farmers were not in sympathy with the strikers.

The following is a list of the names of the farmers who were in sympathy with the strikers, and the names of the farmers who were not in sympathy with the strikers, as given by the strikers in their petition to the Government.

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The requirement that the lands must be allotted upon the basis of value, in my judgment, is entirely impracticable, for the reason that the determination of said value must necessarily be from the indications of the surface, without any knowledge of or regard for the mineral which may be hidden beneath the surface. It is a well-known fact that the Indians themselves prefer, because of the association and other influences, lands of their own selection, even though the same shall be of unequal value.

There is a vast amount of labor yet to be performed by the commission in investigating the claims of applicants for enrollment and in equalizing the value of the lands already classified, all of which will require a great deal of work in the field and at the offices of the commission, and this can not possibly be accomplished within a reasonable time by the present members of the commission, and each year's delay only increases the temptation which the continuation of the existing state of affairs will offer to the unscrupulous speculator who fully realizes the opportunities of the prize thus offered. Therefore in order to accomplish the real purpose of the act creating the Dawes Commission, namely, the complete enrollment of the legal members of said tribes, and the proper distribution of their assets, I urgently recommend that said commission be increased by four members; that a modification be made of the law which requires the lands to be distributed upon a basis of equalized valuation, and that a definite period be fixed for the completion of all the work pertaining to the allotment of lands, etc., among the Indians in the Territory.

The commission's report is hereto appended, page 150, marked "Exhibit A."

#### PROVISION FOR THE INDIAN TERRITORY

Section 24 of the Curtis Act authorized the Secretary of the Interior to locate one Indian inspector in the Indian Territory

who, not, under his authority and direction, perform any duties reported of the Secretary of the Interior to be relating to affairs therein.

The third annual report of the United States Indian Inspector for the Indian Territory, Mr. J. George Wright, gives in detail the work accomplished under his supervision during the past fiscal year.

On August 14, 1897, said inspector was directed to establish his headquarters at Muskogee and to assume a general supervision over the affairs of the Urban Agency and such other matters requiring action by the Department except those requiring the action of the Commission to the Five Civilized Tribes. The superintendent of schools, the revenue inspectors, and the town-site commissions report through the inspector, who makes such recommendations as he deems proper to the Department through the Commissioner of Indian Affairs.

Attention is also called to the provision of the agreement with the Creek Nation ratified by act of March 1, 1901, and duly proclaimed to be in effect, subject to section 36 thereof, by the proclamation of the President dated June 25, 1901.

Special reference is made to the town-site provisions of said act, and it is stated that the towns of Muscogee and Wagoner were being disposed of in accordance with the terms of said agreement.

Attention is also called to section 42 of the agreement excepting the general appropriation acts for the necessary incidental and salaried expenses of the Creek Nation from the requirement relative to the approval of the acts of the nation by the President.

A list is given of the contracts under the regulations promulgated in accordance with the provisions of the act approved June 6, 1900 (31 Stat., 660), entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," and under said regulations Indian citizens are permitted, when in possession of their pro rata share of the lands of the tribe or prospective allotment, to sell and dispose of timber cut in such clearing, as stove wood or cord wood, to any person requiring same for domestic purposes in said Territory when such timber is cut in clearing the land for cultivation in good faith.

The cutting of timber under said regulations has been restricted by the Department to timber required for props and caps for mines, and for ties, bridge timber, and piling for railroads.

These regulations are still in force except as to the allotted lands in the Creek Nation, upon which the cutting of timber is regulated by section 38 of said agreement with the nation.

The total amount of receipts is shown by the report of the Indian agent to be \$286,514.02, being an increase over the amount collected the previous year of \$89,959.80.

The disbursements of the United States Indian agent, including the payments of the semiannual interest funds of the Creek and Cherokee nations, were as follows:

Warrant payments, Creek .....	\$138, 788. 93
Warrant payments, Choctaw, general .....	4, 130. 78
Warrant payments, Choctaw school certificates .....	607. 70
Schools, Choctaw .....	57, 278. 33
Town sites .....	37, 263. 08
Smallpox .....	41, 328. 56
Office, incidental .....	23, 924. 18
Creek indigents .....	828. 00
Paid exchange .....	142. 96
Total .....	304, 292. 52

Attention is called to the fact that the Cherokees have an outstanding indebtedness under their general fund of from \$700,000 to \$800,000;

that the receipts of the nation are not sufficient to meet the annual tribal expenditure and to pay the interest on said outstanding indebtedness. It is recommended that legislative action be had permitting the withdrawal of a sufficient amount of the funds of the nation to take up said indebtedness, which draws interest at 6 per cent, while the interest paid to the nation by the Government is only 5 per cent.

It appears that the interest from the funds of the Creek Nation, together with the revenues collected for its benefit, are sufficient to pay the current expenses of its tribal government.

Reference is made to the report of the Indian agent concerning the adjudication of the Chickasaw incompetent claims under the provision of said Indian appropriation act of May 31, 1900. There have been filed in his office 243 claims, aggregating in amount the sum of \$180,000. He has reported adversely upon all of said claims on account of the failure of the applicants to furnish satisfactory proof in support of their applications, and his recommendations have been confirmed by the Department.

The expenses of the governments of four of the Five Civilized Tribes are given, as follows:

Creek Nation:

Appropriations for general officers and expenses.....	\$10,450.00
For one regular and one special session of council.....	32,413.70
Total .....	<u>42,863.70</u>

Cherokee Nation:

General officers and expenses .....	6,480.00
One regular and one special session of council.....	19,077.70
Expenses of elections .....	3,759.70
Total .....	<u>29,317.40</u>

Choctaw Nation:

General officers, including tribal courts, etc .....	67,000.00
One regular and one special session of council .....	12,000.00
Total .....	<u>79,000.00</u>

Chickasaw Nation:

General officers and expenses .....	25,000.00
Legislature .....	6,000.00
Total .....	<u>31,000.00</u>

Attention is called to the so-called "Snake uprising" of certain full-blood Creek Indians, known as the Snake Band, during the winter of 1900-1901. Said band, of which Chitto Harjo was the leader, elected a principal chief and other tribal officers and attempted to establish a Creek tribal government in opposition to the one recognized by the United States. On account of the hostile attitude of said Indians

warrants were issued for their arrest, and a troop of United States cavalry was ordered to assist the civil authorities in the execution of said warrants. The Indians were arraigned before the United States court in Muscogee and plead guilty to the charge of conspiracy, and upon taking oath to obey the laws of the United States and to recognize the established government of the Creek Nation and also to keep the peace they were paroled by the court during good behavior. This action caused said organization to disband and no further trouble from said Indians is apprehended.

Telephone and telegraph lines have been established in the Indian Territory, the names of which are set out in a list hereinbefore inserted.

The most necessary and important work to be done in the Indian Territory at the present time by the Government is to allot the lands in severalty to the citizens of the several tribes, so as to finally wind up their affairs. It is suggested that there should be additional legislation, if necessary, providing for a simpler manner of allotments of the lands than that under existing agreements with the several tribes.

A recommendation is renewed relative to the payment of the outstanding indebtedness of the Cherokee Nation by withdrawing from the United States Treasury a sufficient amount of their funds for that purpose.

It is suggested that 30 feet along each side of section lines be reserved from allotment for roads in the Indian Territory.

Under the provisions of the recent agreement with the Creek Indians the Indian agent is required to remove objectionable persons from allotments and to place allottees in possession of their land.

It is recommended that the compensation of the Indian policemen be fixed at \$75 per month for the captain and \$50 per month for the privates, together with their necessary traveling expenses.

It is shown that the relations between the tribal authorities and the Department are more satisfactory than heretofore, especially where conferences have been had with the executives of the nations by the officials of the Department.

Provision was made in the Indian appropriation act approved March 3, 1901 (31 Stat., 1058), making an appropriation of \$5,000 to enable the Secretary of the Interior to investigate and report to Congress at its next session whether it is practicable to provide a system of taxation of personal property, occupations, franchises, etc., in the Indian Territory sufficient for maintaining a system of free schools for all the children of said Territory.

A special agent has been appointed to secure the necessary information, and a report to Congress will be made as soon as the same is obtained.

## COMMISSIONS.

THE CROW, FLATHEAD, ETC., COMMISSION was engaged negotiating with the Yakima and Flathead Indians during a portion of the past fiscal year, but failed to conclude agreements with them. During the remainder of that year a part of the commission was engaged in special work in the field, under the provisions of the act of June 6, 1900 (31 Stat., 302), which required the members of the commission to perform such duties as the Secretary of the Interior might direct.

During its existence, about five years, this commission has negotiated three agreements with Indian tribes—one each with the Uinta Utes, Crows, and the Indians on the Fort Hall Reservation—the latter alone having been ratified by Congress, leaving the others pending before that body.

PUYALLUP COMMISSION.—This commission, originally created by the act of March 3, 1893 (27 Stat., 633), is still engaged in the sale of the allotted and common or tribal lands of the Puyallup Indians. More sales were made during the last than in any previous year. A reappraisement of some of the common lands has been authorized, it appearing that the original valuation was too low.

## AGREEMENTS WITH INDIANS.

GRANDE RONDE RESERVATION, OREG.—An agreement with the Indians of this reservation was concluded June 27, 1901, by which they cede the surplus lands, 25,791 acres, for \$28,000 in cash, the shares of adults to be paid within one hundred and twenty days after ratification of the agreement and the shares of minors as they arrive at the age of 18 years.

LOWER BRULE RESERVATION, S. DAK.—On May 6, 1901, an agreement was concluded with the Indians of this reservation, they having indicated their desire to cede certain of their surplus lands, by which 56,560 acres were acquired for a consideration of \$70,700, to be expended in young cattle for issue to the Indians and in the construction of a fence around the reserve.

ROSEBUD RESERVATION, S. DAK.—That portion of the surplus lands of this reservation lying in Gregory County, S. Dak., was ceded by the Rosebud Indians by an agreement dated September 14, 1901, the Government acquiring 416,000 acres, for which \$1,040,000 was agreed to be paid, part in cash, in installments, and the remainder to be expended for stock cattle for issue to the Indians of the reservation.

These agreements, all of which were negotiated through an Indian inspector, under the provisions of the act of March 31, 1901 (31 Stats.,



1077), will be submitted to Congress, in accordance with the requirements of that act.

**KLAMATH BOUNDARY CLAIM.**—An agreement was concluded by an Indian inspector with these Indians in 1900 in which provision was made for compensating them for certain lands in dispute, which was submitted to Congress for its action. Discrepancy was found therein in describing the lands ceded, and it was deemed necessary that the same should be resubmitted to the Indians to be corrected. This has been done and a new agreement obtained, which will be transmitted to Congress at its next session.

By this agreement the Government acquires title to 621,824 acres of land which it has practically had possession of for many years owing to an alleged erroneous survey, for which the Indians are to receive a gross sum of \$537,007.20, a portion of which is to be placed to their credit in the Treasury at 5 per cent interest, and the balance to be paid in cash and expended for their benefit.

**YAKIMA BOUNDARY CLAIM.**—The claim for compensation for lands excluded from the Yakima Reservation by alleged erroneous survey, involving some 293,837 acres, is still pending, the Indians having refused to negotiate with an Indian inspector who was sent there for the purpose during the present year.

**CONDITION OF INDIANS AND THEIR RESERVATIONS.**—Investigations have been made by a special agent of the Department of the Mescalero, Uinta, Grande Ronde, Walker River, Pyramid Lake, Quinaielt, Siletz, Flathead, Shoshone, Devils Lake, Fort Peck, and Fort Berthold Indian reservations under the provisions of the act approved March 3, 1900 (31 Stat., 1069), which authorized the Secretary of the Interior—to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, etc.

These investigations will be continued until information of the character contemplated by the law shall have been obtained of all reservations.

#### SALE OF INDIAN LANDS.

**PEORIA AND MIAMI INDIANS.**—Since my last annual report conveyances have been approved by the Department for 920.68 acres of Peoria lands, at a valuation of \$14,868, and 700 acres of Miami lands, valued at \$7,820.

**CITIZEN POTAWATOMI AND ABSENTEE SHAWNEE LANDS.**—Conveyances for 24,371.65 acres of Citizen Potawatomi Indian lands, having a value of \$122,945.18, and for 4,309.61 acres of Absentee Shawnee lands, valued at \$36,833.88, were approved by the Department during the same period.

INDIANS IN MICHIGAN.—Lands belonging to Indians in Michigan to the extent of 972.14 acres, valued at \$5,135, were sold and conveyances therefor approved by the Department during the past year.

NORTHERN CHEYENNE INDIAN RESERVATION, MONT.—The claims of white settlers on that reservation for certain lands and improvements provided for by act of Congress approved May 31, 1900 (31 Stat., 221), have been paid, with one exception, and the settlers have removed from the reservation. In that case the settler has been unable to produce a clear title, consequently the matter is still pending. Another settler has filed a claim for \$2,400 in addition to \$2,100 which was paid him upon a quitclaim deed for his land and improvements. This claim has not been disposed of.

The heads of 46 Indian families east of Tongue River were paid for their improvements as provided by the aforesaid act.

By a recent survey of the northern boundary of the reservation 7 additional settlers have been found within its limits. They are without title to the land they occupy and their improvements are of small value, being estimated at only \$2,965. An appropriation to pay the same was asked from the last Congress, but no action was taken by that body. The attention of Congress will again be called to the matter.

FORT HALL (IDAHO) CEDED LANDS.—The appraisement of the improvements of Indians on the ceded lands of the Fort Hall Reservation, who elected to remove therefrom to the diminished reserve, provided by the act of June 6, 1900 (31 Stat., 672), was completed during the year, and allotments were made to Indians who had located and decided to remain on the ceded lands.

The total appraised value of the improvements is \$5,851.50, belonging to 23 Indian heads of families, and 7,177.17 acres were allotted to 90 allottees.

CHIPPEWA CEDED LANDS IN MINNESOTA.—In my last annual report I took occasion to state that the results obtained from the administration of the act of January 14, 1889, under the provisions of which the Chippewa Indians in Minnesota ceded the greater portion of the reservations occupied by them (25 Stat., 642), had not been satisfactory to the Department, as the system devised under said act and subsequent legislation had failed to secure to the Indians the largest benefit from the sale of the pine and agricultural lands. I then expressed the intention at the earliest date practicable to bring the matter more fully to the attention of Congress and to suggest remedies such as, in my judgment, might be necessary to better protect the interests of the Chippewa Indians.

Certain members of the Minnesota delegation in Congress, who were well informed of the necessity for some modification of existing

law, and the Commissioners of Indian Affairs and the General Land Office, who recognized the great need for further legislation, conferred with the Department on the subject, whereupon a draft of proposed legislation was prepared which authorized the sale of all merchantable pine timber, "green or growing or dead, standing or fallen," on said ceded lands, upon certain stated conditions which seemed to meet the views of all interested in the welfare of the Chippewas, and the same was submitted for the action of Congress as a substitute for H. R. 8494, first session, Fifty-sixth Congress, and H. R. 14019, second session, same Congress, both of which proposed modification of the aforesaid act of 1889, but neither of which met the favor of the Department or the Commissioner of Indian Affairs.

Action on both the bills named and the substitute measure failed, and consequently no relief has been afforded in these matters. Under the conditions, the existing legislation failing to properly guard or conserve the best interests of the Indians, which are so largely involved in the sale of the lands and the timber thereon, the proceeds of the lands under the law going to their credit in the Treasury as a permanent fund, I have considered it a duty to them to further postpone all action until Congress shall provide some measure for their relief whereby the greatest possible benefit may be derived from the sale of their lands.

**ZUNI PUEBLO GRANT, NEW MEXICO.**—These lands have been occupied by the Zunis for more than two hundred years. All the title papers were accidentally destroyed by a fire a few years ago. A bill to confirm title to them was introduced in Congress February 16, 1900 (H. R. 8635), but failed to become a law.

The matter is urgently recommended to the favor of Congress.

**CHIPPEWA AND MUNSEE INDIANS IN KANSAS.**—The claimants or heirs to funds derived from the sale of the allotments of certain deceased Chippewas and Munsees, sold under the provisions of the act of June 7, 1897 (30 Stat., 92), having been finally ascertained and a schedule thereof prepared, payment will soon be made. The surplus lands belonging to these Indians having been sold by the General Land Office, the proceeds will be distributed per capita among 54 claimants, who are members of the tribe but never received allotments, when they shall severally reach the age of 21 years. In the meantime the fund remains in the Treasury of the United States.

**STOCKBRIDGE AND MUNSEE INDIANS, WISCONSIN.**—A plan for the allotment of the common lands of these Indians was submitted to Congress on February 1, 1901, with favorable recommendation and urgent request for speedy action.

It is hoped that this matter will be favorably considered by the next Congress.

**SEMINOLES IN FLORIDA.**—There has been no change in the condition or status of the Seminole Indians in Florida since the date of my last annual report. At that date 23,061.72 acres of land had been purchased for them, at a cost of \$13,355.52.

**MISSION INDIANS ON WARNERS RANCH.**—By a decree of the Supreme Court of the United States, an adverse decision was rendered on a claim of some Mission Indians to retain occupancy of a tract in southern California, known as Warners Ranch or Agua Caliente. The effect thereof will be to render homeless about 200 Indians who claim to have held these lands for generations.

In the meantime, pending action by the next Congress, and as a temporary expedient, certain lands in the vicinity were withdrawn from settlement and entry for the use of the Indians. It has since been ascertained that the lands withdrawn are practically worthless, and that such as might be available would support but a few families.

Therefore, an Indian inspector is under orders to proceed to California to endeavor to locate and arrange to secure suitable lands for these Indians.

**WENATCHIE INDIANS, WASHINGTON.**—The removal of these Indians to the Colville Reservation failed because the undertaking proved to be greater than anticipated, and consequently a more expensive one.

The matter will be brought to the attention of the next Congress.

**NEW YORK INDIANS.**—Congress, by act approved March 3, 1901 (31 Stat., 1077), provided that not exceeding \$10,000 might be used by the Secretary of the Interior to pay the "expenses necessary in ascertaining the beneficiaries" of the judgment of the Court of Claims on the claim of said Indians for lands arising under the treaty of Buffalo Creek of January 15, 1838, authority being given to use not exceeding the sum named out of the amount appropriated by the act of February 19, 1900, to pay said judgment.

Consequently, prompt steps were taken by the Department with the view of "ascertaining the beneficiaries," so that distribution of said fund might be made at the earliest possible date. Notice has been given to claimants by public advertisement in a number of newspapers, beginning September 1 last, and to continue to November 30 next, when the rolls will be closed. It may be said that the rolls are in a formative state. All applications will be duly considered and the rights of applicants determined, and from these the rolls prepared as soon thereafter as possible and payment of the fund made to those found entitled.

**INDIAN OFFICE EXHIBIT AT PAN-AMERICAN EXPOSITION.**—The work of many of the pupils of both the reservation and non-reservation as well as day schools, was placed on exhibition at Buffalo, and showed decided improvement over that furnished for previous expositions.

**INDIANS AS EXHIBITS.**—The custom of allowing Indians to take part in shows and exhibitions has been practically discontinued, but one permit for the purpose, the case being an exceptional one, having been granted during more than two years past. The Department has considered it a degradation of the Indian to permit him to be used for exhibition purposes, and a means of perpetuating habits that large sums of money are annually being spent to eradicate.

**INDIANS AS EXHIBITORS.**—In September last application was made to the Department for a permit to authorize a small delegation of Indians from the Fort Peck Agency, Mont., to exhibit the products of their farms and display the work of the agency boarding school at a fair to be held later at Glendive, Mont., under the auspices of the Dawson County Fair Association.

The apparent desire to become exhibitors instead of exhibits was regarded as highly commendable and as showing a degree of self-respect in sharp contrast with the other phase that was exceedingly gratifying to the Department, and leads to the hope that others will emulate the desire of these Indians to show in a public manner the products of their labor and industry.

Permission was gladly and promptly given for the Indians to take part in the fair as exhibitors under proper safeguards.

**ADJUSTMENT OF ACCOUNTS OF TRADERS WITH OSAGE INDIANS.**—The Secretary of the Interior was authorized and directed, by the Indian appropriation act approved March 3, 1901 (31 Stat., 1065)—

to examine into the accounts of Indian traders with the Osage Indians at the Osage Agency and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians, etc.

In accordance with this provision of law, steps were taken by the Department on March 14, 1901, to obtain from the aforesaid traders complete statements of all outstanding accounts against the Osage Indians, with necessary data to show the basis for their claims and proofs to establish the same.

I am informally advised by the Commissioner of Indian Affairs that the said traders have submitted their claims against the Indians to his office, and that the same are undergoing examination preliminary to their transmission to the Department for its examination and determination under the law.

**INDIAN LANDS SET APART TO MISSIONARY SOCIETIES AND CHURCHES.**—Twenty-two tracts of land, from one-half acre to 160 acres in size, on nine reservations, were set apart during the year for educational and religious work among the Indians.

**TRANSPORTATION OF SUPPLIES.**—The system of transporting Indian supplies by "common carriers," inaugurated in 1899 (fiscal year 1900)

under the provisions of the act of July 7, 1898 (30 Stat., 676), rather than under contracts let to the lowest bidders, is still being successfully and profitably carried on, and is giving much satisfaction.

**MARRIAGE.**—Instructions were issued during the last fiscal year designed to regulate or legalize marriages between Indians and between Indians and whites, and for keeping registers of licenses and marriages at Indian agencies, from which much good is hoped.

### LANDS.

There were disposed of during the fiscal year ended June 30, 1901, public lands aggregating 15,562,796.30 acres, classified as follows: Cash sales, 1,301,668.94 acres; miscellaneous entries, embracing homesteads, land warrants, scrip locations, State selections, swamp lands, railroad and wagon road selections, Indian allotments, etc., 14,151,780.34 acres, and Indian lands, 109,347.02 acres, showing an increase of 2,108,908.34 acres as compared with the aggregate disposals for the preceding fiscal year.

The total cash receipts during the fiscal year from various sources, including disposal of public land, \$4,307,437.15, and Indian land, \$585,661.27; from depredations on public lands, \$36,471.83; from sales of timber on forest reserves, \$25,305.95; from sales of Government property, \$597.78, and for furnishing copies of records and plats, \$16,686.81; aggregate, \$4,972,160.79, an increase of \$592,402.69 over the preceding fiscal year.

The total expenses of district land offices for salaries and commissions of registers and receivers, incidental expenses, and expenses of depositing public moneys during the fiscal year ended June 30, 1901, were \$773,617.99, an increase, as compared with the fiscal year ended June 30, 1900, of \$46,036.01.

The net surplus remaining in the Treasury at the end of the fiscal year, after deducting from the total cash receipts the entire amount expended for the administration of the public-land and forestry systems, equaled \$3,158,441.67, an increase over the surplus remaining at the end of the preceding fiscal year of \$357,845.30. Attention is also directed to the fact that the cash receipts from depredations on the public lands, compromises, fines, etc., amounted, during the fiscal year, to \$261,573.84, an increase over the preceding fiscal year of \$25,538.59.

The total area of the public lands may be stated to be approximately 1,809,539,840 acres, of which 914,096,974 acres are undisposed of, 147,356,902 acres have been reserved for various purposes, and 748,085,964 acres have been appropriated.

The following table, compiled from reports received from the various local land offices, gives, by States and Territories, an approximate

estimate of the reserved as well as the unappropriated lands in the land States and Territories at the close of this fiscal year:

State or Territory.	Area unappropriated and unreserved.			Area reserved.	Area appropriated.
	Surveyed.	Unsurveyed.	Total.		
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama .....	312, 630		312, 630	52, 820	32, 292, 470
Alaska .....	( <sup>1</sup> )	367, 983, 506	367, 983, 506	<sup>2</sup> 120, 174	( <sup>1</sup> )
Arizona .....	11, 615, 248	37, 155, 806	48, 771, 054	18, 285, 008	5, 736, 258
Arkansas .....	3, 224, 128		3, 224, 128	2, 560	30, 316, 992
California .....	34, 052, 596	7, 996, 412	42, 049, 008	16, 063, 670	41, 857, 242
Colorado .....	34, 719, 759	4, 396, 055	39, 115, 814	5, 694, 161	21, 538, 185
Florida .....	1, 299, 704	160, 070	1, 459, 774	19, 259	33, 593, 607
Idaho .....	11, 680, 089	30, 795, 087	42, 475, 176	1, 747, 311	9, 070, 953
Illinois .....					35, 842, 560
Indiana .....					22, 950, 400
Indian Territory .....				19, 658, 880	
Iowa .....					35, 646, 080
Kansas .....	1, 085, 315		1, 085, 315	987, 875	50, 309, 530
Louisiana .....	254, 317	65, 018	319, 335	1, 468, 434	27, 267, 591
Michigan .....	462, 157		462, 157	87, 746	36, 269, 297
Minnesota .....	1, 967, 285	2, 172, 908	4, 140, 193	4, 938, 508	42, 119, 379
Mississippi .....	195, 980		195, 980		29, 489, 140
Missouri .....	281, 727		281, 727		43, 514, 113
Montana .....	19, 138, 446	46, 664, 861	65, 803, 307	12, 347, 531	15, 442, 762
Nebraska .....	9, 926, 670		9, 926, 670	69, 642	39, 140, 968
Nevada .....	29, 667, 377	31, 654, 848	61, 322, 225	5, 983, 409	3, 031, 006
New Mexico .....	41, 108, 508	14, 480, 616	55, 589, 124	6, 385, 181	16, 454, 495
North Dakota .....	11, 973, 738	4, 982, 753	16, 956, 491	3, 370, 491	24, 583, 098
Ohio .....					26, 062, 720
Oklahoma .....	4, 653, 605		4, 653, 605	7, 157, 868	12, 962, 927
Oregon .....	23, 642, 364	10, 141, 659	33, 784, 023	5, 500, 821	21, 992, 596
South Dakota .....	11, 471, 138	397, 866	11, 869, 004	12, 802, 946	24, 534, 450
Utah .....	10, 830, 242	31, 685, 613	42, 515, 855	5, 487, 668	4, 537, 917
Washington .....	5, 613, 943	6, 299, 221	11, 913, 164	10, 764, 568	20, 069, 148
Wisconsin .....	230, 813		230, 813	365, 353	34, 678, 714
Wyoming .....	42, 769, 587	4, 887, 309	47, 656, 896	7, 995, 018	6, 781, 366
Grand total .....	312, 177, 366	601, 919, 608	914, 096, 974	147, 356, 902	748, 085, 964

<sup>1</sup>The unreserved lands in Alaska are mostly unsurveyed and unappropriated.

<sup>2</sup>So far as estimated.

**PATENTS ISSUED.**—Forty-two thousand two hundred and thirty-seven patents for agricultural lands were issued during the fiscal year, containing approximately 6,757,920 acres, an increase of 12,689 in number and 2,030,240 in acreage over the previous year. Of mineral and mill-site patents 1,388 were issued, embracing an area of 50,852.458 acres, a decrease from the former year of 27 patents and an increase of 8,459.934 acres. One hundred and four coal patents were issued, embracing 12,060.87 acres, an increase over the previous year of 35 patents and 2,911.71 acres.

**RAILROAD AND WAGON-ROAD LAND PATENTS.**—During the fiscal year there have been certified or patented on account of railroad grants 2,470,804.55 acres, as against an area patented during the fiscal year

ended June 30, 1900, of 1,277,572.68 acres, an increase of 1,193,231.87 acres. There were patented under wagon-road grants 165,547.18 acres, an increase of 104,045.66 acres over the preceding year.

**ADJUSTMENTS.**—The report of the Commissioner shows that material progress has been made in the examinations necessary to the adjustment of railroad land grants, including the administration of the acts of July 1, 1898 (30 Stat., 597-620), March 2, 1899 (30 Stat., 994), and March 2, 1901 (31 Stat., 950), relating to grants to the Northern Pacific Railroad Company. A detailed statement of the progress made in the adjustment of these grants will be found at page 72 of said report.

**SWAMP-LAND PATENTS, SCHOOL AND OTHER STATE AND TERRITORIAL LANDS.**—There were patented as swamp land in place 215,963.86 acres, and as swamp-land indemnity lands 3,239.83 acres, a total of 219,203.69 acres, an increase over the amount patented during the last fiscal year of 119,930.70 acres. School and other lands were selected and certified during the year under their several grants to the various States and Territories to the amount of 1,243,519.92 acres, an increase of 471,310.47 acres over the preceding year.

**INDIAN AND MISCELLANEOUS PATENTS.**—Patents of this class were issued during the year to the amount of 448,536.40 acres, an increase over the preceding fiscal year of 106,005.14 acres.

The total net increase in lands patented over the preceding fiscal year is 4,036,135.48 acres.

**STATE DESERT-LAND SEGREGATIONS.**—By section 4 of the act of August 18, 1894 (28 Stat., 372-422), as amended by the act of June 11, 1896 (29 Stat., 413-434), and act of March 3, 1901 (31 Stat., 1133-1188), provision is made for the donation to each of the desert-land States of not more than 1,000,000 acres of such lands. Under these acts two patents were issued to the State of Wyoming, aggregating 7,305.75 acres. Lists were approved as follows: State of Idaho, one, 6,528.05 acres; State of Wyoming, one, aggregating 77,198.76 acres.

**ENTRIES IN ALASKA.**—Under the provisions of the acts of March 3, 1891 (26 Stat., 1095), and May 14, 1898 (30 Stat., 409), three nonmineral entries for lands in Alaska have been patented during the last fiscal year.

**RESERVOIRS FOR THE PURPOSES OF STOCK BREEDING AND TRANSPORTATION.**—Under the act of January 13, 1897 (29 Stat., 484), the number of declaratory statements on hand at the beginning of the fiscal year was 9,563. There were received during the year 4,137 reservoir declaratory statements, making the total pending for action 13,700. Of this number, 4,104 were acted upon during the year, 3,979 of which were canceled or relinquished and the remainder, 125, were found to be in proper form and await further action under the law by the declarants. There were, accordingly, pending for action at the end of the fiscal year 9,596.



**RIGHTS OF WAY FOR RAILROADS.**—Under the act of March 3, 1875 (18 Stat., 482), providing for rights of way over public lands, the act of May 14, 1898 (30 Stat., 409), providing for rights of way in Alaska, and various special acts, 38 articles of incorporation were accepted, 478 maps of locations of railroads were received during the year, of which 118 were approved, 14 filed (not requiring approval); 4 were pending at the end of the fiscal year before the Secretary of the Interior, and 316 had been otherwise disposed of, a few of which were rejected and the rest returned for correction.

**RIGHTS OF WAY FOR IRRIGATION AND OTHER PURPOSES.**—Under the provisions of sections 18 to 21, inclusive, of the act of March 3, 1891 (26 Stat., 1095), as amended by section 2 of the act of May 11, 1898 (30 Stat., 404), 40 rights of way have been approved during the year for canals and reservoirs. Three hundred and twenty-four maps of the line or route of canals or sites for reservoirs were presented during the year; 60 were approved; 16 were filed which did not require approval; 191 were otherwise disposed of, being principally returned for correction, making, with the 36 pending at the beginning of the year, a total of 93 awaiting action by the Commissioner or Secretary.

Under the provisions of the tram-road act of January 21, 1895 (28 Stat., 635), as amended by section 1 of the act of May 11, 1898 (30 Stat., 404), 5 applications for permission to use rights of way have been approved during the past fiscal year. Twenty maps were on hand for action during that time, of which 6 were approved and 12 were otherwise disposed of, most of them having been returned for correction.

Under the act of May 14, 1896 (29 Stat., 120), providing for permission to use rights of way for electrical purposes, 3 applications were approved during the past year. There were pending during the year for action 23 maps, of which 3 were approved and 13 otherwise disposed of, most of them having been returned for correction.

In my reports for last year and the year before it was pointed out that the two acts above mentioned relating to right of way for canals, reservoirs, etc., together with four other acts relating to rights of way for various purposes over the public lands and reservations of the United States, constitute a group of statutes the administration of which has been the source of much embarrassment because of the unnecessarily large number of acts and the confusing amendments, while they do not, after all, cover the whole subject in a satisfactory manner, failing to provide for certain important uses of right of way and being otherwise too limited in scope.

In order that a comprehensive act covering the entire subject should be passed, appropriate legislation has been recommended by this Department, but no action has been taken thereon.

In view of the importance of this matter to the development of the industries of the West which are dependent upon the storage and conveyance of water, my former recommendation is renewed, and it is hoped that some act of the character indicated will be passed.

Attention is also called to the draft of a bill submitted to Congress by the Department on May 10, 1900, providing that the Secretary of the Interior be authorized to declare a forfeiture of a lapsed right of way for railroads, canals, reservoirs, etc., over the public lands and reservations of the United States, after notice to grantee. The importance of this legislation, to enable the Department to satisfactorily administer the various acts granting right of way over the public lands and reservations of the United States, for railroads, canals, reservoirs, etc., can not be too greatly emphasized.

**RIGHT OF WAY FOR OIL PIPE LINES.**—Under the act of May 21, 1896 (29 Stat., 127), granting right of way for pipe lines for the transportation of oil in the States of Colorado and Wyoming, no applications were received during the past year.

**PUBLIC SURVEYS.**—By the act of Congress approved June 6, 1900 (31 Stat., 615), making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, there was appropriated "for surveys and resurveys of public lands" the sum of \$325,000, of which amount the Commissioner of the General Land Office was authorized to expend as much as he might deem necessary for examinations in the field, etc.

The sum of \$75,000 was set aside to cover the cost of field examinations, and the sum of \$10,000 was reserved for emergencies, leaving \$240,000 to be apportioned among the several surveying districts. The apportionments made to the several districts were as follows:

Alaska.....	\$5,000	New Mexico.....	\$8,000
Arizona.....	12,000	North Dakota.....	20,000
California.....	10,000	Oregon.....	22,000
Colorado.....	6,000	South Dakota.....	2,000
Idaho.....	30,000	Utah.....	20,000
Minnesota.....	5,000	Washington.....	30,000
Montana.....	40,000	Wyoming.....	20,000
Nevada.....	10,000		

Further apportionments were made from time to time to several surveying districts from the fund of \$10,000 held in reserve, and contracts were let and approved to the full extent of the means available. The annual surveying instructions for the fiscal year ending June 30, 1901, will be found in the appropriate place in the Commissioner's report.

Surveys were accepted during the fiscal year, after examination in the field, careful comparison of the surveying returns, and inspection

of the plats and field notes, covering 8,810,837 acres, distributed as follows:

Alaska.....	152	Nevada.....	51, 250
Arizona.....	715, 201	North Dakota.....	2, 103, 287
California.....	54, 288	Orégon.....	750, 951
Colorado.....	264, 333	South Dakota.....	757, 940
Florida.....	2, 829	Utah.....	535, 721
Idaho.....	849, 057	Washington.....	292, 658
Minnesota.....	299, 730	Wyoming.....	467, 522
Montana.....	1, 665, 918		

The figures above given show an increase of about 16 per cent in the total area surveyed over that of the preceding fiscal year.

**ALASKAN SURVEYS.**—By the act of March 3, 1899 (30 Stat., 1097), the rectangular system of surveys was extended to the district of Alaska, and an apportionment of \$5,000 from the appropriation of \$325,000 for the survey and resurvey of public lands was made to that district, and a contract, No. 1, has been issued to A. J. Adams, by which he is required to establish an initial point near Copper Center, on Copper River, and run the necessary base and meridian lines, to extend the public surveys northward into the agricultural and grazing lands of the interior.

The surveyor-general in his annual report refers to the great need of a rapid extension of lines of survey in the immense areas where rapid settlement and valuable interests already prevail, and presents an estimate of \$108,872 for survey of public lands, mission stations, and other reservations for the fiscal year ending June 30, 1903, and in support of that estimate he refers to the vast expanse of grazing lands, hay lands, valleys adapted to the production of oats, potatoes, and other vegetables; also valuable coal deposits, to which no title can be acquired in advance of rectangular surveys.

He also recommends that the act of May 14, 1898, be amended so as to allow homestead entries to be made for 160 acres of land instead of 80 acres. He also shows that during the past fiscal year 38 applications for mineral surveys were filed. Thirty-one mineral surveys were ordered, embracing 110 locations. Twenty-five mineral surveys were approved, embracing 90 locations. Two nonmineral applications for town-site surveys were made; also 15 nonmineral applications for the survey of missionary stations, and 2 nonmineral applications for survey of private claims. Sixteen nonmineral surveys were approved, 18 suspended, 2 rejected, and 5 were awaiting action at the end of the fiscal year.

**BOUNTY-LAND BUSINESS.**—During the year military bounty land warrants to the extent of 8,960 acres were located in the several land States

and Territories. A summary of the denomination of the warrants and the acreage represented thereby is as follows:

	Number of warrants.	Aggregate acreage.
Act of—		
1847.....	4	400
1850.....	12	920
1852.....	1	40
1855.....	55	7,600
Total.....	72	8,960

**ALASKAN LAND OFFICES.**—The report of the Commissioner of the General Land Office shows that the excess of expenditures over receipts at the Sitka office from October 20, 1897, to June 30, 1901, was \$7,118.17; that the receipts at the Rampart office from July 10, 1900, to June 30, 1901, were only \$10, while the expenditures were \$4,249.60; that the expenditures at the St. Michael office from July 1, 1900, to July 1, 1901, were \$2,533.33, with no receipts at all; that the expenditures at the Circle office from July 1, 1899, to July 1, 1900, were \$5,587.41, with no receipts; that the expenditures at the Peavey office from August 28, 1899, to May 31, 1901, were \$7,153.12 with no receipts; that the expenditures of the Weare office were \$1,868.30, with no receipts; that the rent charges at both St. Michael and Rampart are \$600 per annum, with wood \$15 per cord and coal at from \$40 to \$75 per ton at St. Michael; wood \$20 per cord at Rampart and coal too expensive for fuel; that it required \$600 to supply the Rampart office with wood alone last winter.

From this showing it appears that the offices heretofore maintained in the valley of the Yukon for the accommodation and encouragement of miners have required an expenditure of \$21,391.76, with but one single application and a fee of \$10.

After carefully considering all the facts and estimating future probabilities, the Commissioner is of the opinion that both the Yukon and Circle districts should be abolished, their territory added to the Sitka district, and their offices consolidated with the Sitka office at least for the present, and until such time as there shall appear some real necessity for an office in the Yukon country.

**OIL FIELDS AND LIEU SELECTIONS.**—In my last annual report I set forth the conditions developed by the discovery of petroleum in southern California, and of the action of this Department in withdrawing a number of townships in southern California until the character of the lands could be investigated.

There has been no abatement in the exploration for oil in California, and prospectors have been active in other localities, notably in Wyoming and Colorado. The suspensions heretofore made of townships

said to contain valuable deposits of oil from disposition under the agricultural laws and the examination of the lands by special agents have allayed to some extent the excitement theretofore existing, caused by the supposed appropriation of these lands by lieu scrippers. These suspensions have been continued through the year, and must continue until relief is obtained through legislation, the mining laws and regulations being inadequate to protect the bona fide prospectors who are spending their time and money in exploring for oil.

On May 9, 1901, I reported on two bills that were introduced in Congress, which proposed to allow locators of mining claims alleged to be valuable for petroleum deposits—

Three months from and after the marking of their claims on the ground within which to begin work for the purpose of completing discovery, and such discovery, when made while working the claim with reasonable diligence, shall relate back and have effect *nunc pro tunc*, as though made before or at the time of marking the claim on the ground.

I recommended the passage of those bills, subject to the modification that the work of discovery should be completed within twelve months from date of location.

I desire now to renew that recommendation, as I believe some such legislation necessary for the adequate protection of oil lands and the stimulation of the oil industry.

**PROTECTION OF PUBLIC LANDS.**—It appears that during the year there was an average of about 60 special agents employed in the investigation of fraudulent land entries, and in otherwise protecting the public lands from illegal appropriation and timber trespass; that 1,086 cases were referred to them for investigation, hearings were ordered in 124 cases, 1,137 entries were held for cancellation, 741 were canceled, and 680 examined and passed. Final action was taken on 1,531 cases, and there are now pending 3,848 cases.

There are also pending in the General Land Office 187 agents' reports on land claims, 51 records of hearings, and 288 registers' and receivers' reports and miscellaneous letters.

**DEPREDACTIONS UPON PUBLIC TIMBER.**—There were 548 cases of depredations upon public timber reported during the year, involving public timber and products therefrom to the value of \$1,464,214.89, recoverable to the Government. One hundred and fifteen civil suits were recommended, involving an aggregate of \$731,179.68; 86 propositions of settlement were accepted, involving \$29,200.30, and sales were made of timber which had been cut unlawfully from public lands involving \$4,291.53. There were also 188 criminal suits recommended. There was received from compromises effected under section 3469, United States Revised Statutes, \$13,573.54. In addition, the amount involved in fines imposed and judgments rendered is \$214,508.47, mak-

ing a total of \$261,573.84, an increase of \$25,538.59 over the preceding fiscal year.

On June 30, 1901, there were pending in the United States courts 152 civil suits for the recovery of a total amount of \$1,916,914.70, the alleged value of the timber involved, and 308 criminal prosecutions for cutting and removing timber in violation of law.

**COMPULSORY ATTENDANCE OF WITNESSES.**—The recommendations made by the General Land Office and by this Department in previous years for needed legislation compelling the attendance of witnesses at hearings ordered on special agents' reports, before the local land offices, are renewed. Attention is earnestly invited to the urgent need existing for such legislation.

**UNLAWFUL FENCING OF PUBLIC LANDS.**—During the past year there were reported to the General Land Office 161 cases of unlawful fencing of public lands, embracing 2,487,657 acres. Thirty-four inclosures were reported as having been removed in compliance with notice requiring such action, embracing 227,440 acres; 127 cases were laid before the United States attorneys of the various States and Territories for action under act of February 25, 1885 (23 Stat., 321), embracing 2,260,217 acres. In addition to the unlawful inclosures, special agents reported during the year 4 drift-fence cases; 2 in New Mexico, which are pending further action, and 2 in Oklahoma, in which the fences were removed in compliance with notice to the owners.

**TIMBER ON UNRESERVED LANDS.**—For several years this Department has been urging the enactment of legislation to regulate the sale and use of timber on the unappropriated and unreserved public lands. The experience of this Department has been that the act of June 3, 1878, which authorizes residents of certain States and Territories therein named to cut and remove for building, agricultural, mining, and other domestic purposes, any timber growing on mineral lands, under rules and regulations prescribed by the Secretary of the Interior, and the act of March 3, 1891 (26 Stat., 1093), as extended by the acts of February 13, 1893 (27 Stat., 444), and March 3, 1901 (31 Stat., 1436), authorizing the residents of the States and Territories therein named to take timber from nonmineral public lands in such States and Territories for use therein for agricultural, mining, manufacturing, or domestic purposes, under rules and regulations prescribed by the Secretary of the Interior, *and the act of June 3, 1878 (20 Stat., 89), known as the timber and stone act, will, if not repealed or radically amended, result ultimately in the complete destruction of the timber on the unappropriated and unreserved public lands.*

As an illustration of the manner in which the timber and stone act operates to encourage the denudation of the public timbered lands, attention is called to section 5 of said act, which provides that any person who is prosecuted in the States therein named for trespass on

the public timbered lands, under section 2461 of the United States Revised Statutes, if not for export from the United States, may be relieved from prosecution by paying a sum equal to \$2.50 per acre for the land on which the timber was cut.

The attention of this Department has just been called to four cases, involving 720 acres of valuable timbered lands, the timber on which is worth several thousand dollars, where the parties escaped criminal prosecution by paying the wholly inadequate sum, equal to \$2.50 per acre, for the land on which the timber was cut.

It will be seen from these illustrations that said act is a direct encouragement of depredations upon the public timber, and in the interests of that valuable portion of the public domain should be unconditionally repealed.

March 2, 1900, I transmitted to the President of the Senate pro tempore and the Speaker of the House of Representatives, with the recommendation that it be enacted into law, a bill entitled "A bill to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands." These bills were subsequently introduced in the Senate and House, respectively, as S. 3498 and H. R. 10405. On the 4th day of February, 1901, I again urged the passage of this proposed legislation, with an amendment thereto, as recommended by the Acting Attorney-General.

*The need of the passage of such an act is so imperative that I earnestly recommend that the bill, with the amendment suggested by the Acting Attorney-General, become a law at the earliest possible date.*

The opportunity offered by the act of June 3, 1878, known as the timber and stone act, for the fraudulent acquisition of title to public timbered lands was illustrated during the past year by the discovery, in Idaho and Montana, of a number of fraudulent entries under that act. Prosecutions are now pending against a number of individuals in both of the States named for perjury and subornation of perjury, and suits have been instituted to vacate the patents upon the entries that were apparently obtained by fraud, embracing 12,000 or 14,000 acres.

**FOREST RESERVES.**—The national forest reserves cover a part of the timbered public lands left as unoccupied lands in the agricultural settlement of the West. Lying almost wholly on high land in mountainous regions, the importance of these reserves to the prosperity of the West is threefold. In the first place, they are vitally essential to irrigation and to all the other interests that depend on *water supply*. Secondly, they are essential to the mining, lumbering, and other interests of the West, and, in fact, of the whole country, which depend on *wood*. Thirdly, they furnish to great numbers of cattle, horses, and sheep a summer range, without which they could not survive the year.

Public opinion concerning the forest reserves has been transformed during the past few years. At first hostile, through widespread misunderstanding, the great bulk of the Western people are now not only in full sympathy with the maintenance and wise administration of the reserves, but are eager, because of the manifest benefits which they bring, for their extension to those parts of the country which are at present without them.

The irrigators of the West have been specially active in urging the necessity of complete protection of the forests from fire and other destructive agencies and in asking that the reserves be extended to include all areas of public land from which issue streams of importance as sources of water supply. The extreme drought in many parts of the country during the past year has seriously diminished the flow of mountain streams. Together with the deplorable scarcity of water in portions of the West during the three preceding years, it has called public attention as never before to the vital necessity of forest preservation and reforestation. Whatever tends in any degree to reduce the vast losses which have been sustained by the agricultural interests is of vital importance to the farming communities. It is urged by them not only that the forests should be protected for their effect upon water supply, but that the Government should take the steps necessary to hold and save the waters which alone give value to drought-stricken lands. Congress years ago moved in this direction by authorizing the segregation of reservoir sites, the most important of which are near the headwaters of streams within the forest reserves.

The time has arrived when these reservoirs must be built and managed as part of a national system of forest and water conservation. They can not be successfully maintained without a thorough system of forest protection, for reservoirs whose drainage basins are not protected by forest lie open to the danger of being transformed by the washing of the soil from reservoirs of water to reservoirs of silt.

To give to the people of the West the full benefits which the forest reserves are capable of yielding, two things are necessary. First, the demand for more reserves should be met by the careful extension of the reserved area in accordance with the results of careful study on the ground, and, second, there should be a thoroughly practical and efficient administration of the reserves and the resources they contain.

In order to secure practical treatment and better protection for the forest reserves, and, above all, to bring about prompter and more effective use of their resources for the good of the people, the administration of them, while it remains in the Interior Department, will be carefully supervised and conducted by the Secretary himself.

Forestry is a business which can not proceed without skilled men with a practical knowledge of the best ways of handling and protecting forests. As with lumbering, its success depends on work in the



field, and especially upon intimate knowledge of local conditions and requirements. It is of the first importance to employ in the forest service men of high local reputation for character, ability, and knowledge of the woods, in addition to such practical trained experts as may be available. Men thoroughly versed in lumbering and woodcraft are essential.

The time for the introduction of practical forestry on the forest reserves has fully come. States and private owners of forest land are already cooperating with the Government for the better handling of their holdings to the extent of more than 5,000,000 acres. Some of the forest reserves are not less favorably situated for practical forestry than the best of these lands, and it is of the first importance both to the interests of the forest and to the interests of the West to give the reserves the best practical treatment without delay. It was found necessary about two years ago to apply to the Agricultural Department for working plans for conservative lumbering on the reserves and for reports upon all subjects requiring special knowledge of forestry except the mapping of the forests, now thoroughly well done by the Geological Survey.

The keynote of the administration of the forest reserves should be to increase the value of the reserves to the public and to perpetuate their forests by wise use. The utility of the reserves to the agricultural, mining, grazing, and lumber interests of the regions in which they lie is so great, so generally recognized, and so rapidly on the increase that to give them any form of management but the best available is a most serious blow to the prosperity of the West. Workmanlike administration of the forest reserves means protection through them to all the interests which depend upon them.

Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject. The presence of properly trained foresters in the Agricultural Department, as well as the nature of the subject itself, makes the ultimate transfer, if found to be practicable, of the administration of the forest reserves to that Department essential to the best interests, both of the reserves and of the people who use them.

Hereto appended, page 218 (Exhibit B), will be found an outline of the principles and practice governing the administration of the national forest reserves which the Commissioner of the General Land Office has been directed to carry into effect.

Since the close of the fiscal year ending June 30, 1900, three new forest reserves have been created, as follows:

The Crow Creek Forest Reserve, in Wyoming, created by proclamation of the President dated October 10, 1900, embracing an area of 56,320 acres;

The Wichita Forest Reserve, in Oklahoma, created by proclamation of the President dated July 4, 1901, embracing an estimated area of 57,120 acres; and

The Payson Forest Reserve, in Utah, created by proclamation of the President dated August 3, 1901, embracing an estimated area of 86,400 acres.

By Executive order dated June 29, 1901, 46,080 acres were eliminated from the Cascade Range Forest Reserve, in Oregon, and by proclamation of the President dated July 1, 1901, 142,080 acres were added to said reserve, making the net increase in the size of the reserve 96,000 acres.

The following reserves were reduced in size:

The Washington Forest Reserve, in Washington, by proclamation of the President dated April 3, 1901.

The Big Horn Forest Reserve, in Wyoming, by Executive orders dated April 15, 1901, and June 25, 1901.

The Olympic Forest Reserve, in Washington, by proclamation of the President dated July 15, 1901.

There are now 41 forest reserves, created by Presidential proclamations, under section 24 of the act of March 3, 1891 (26 Stat., 1095), embracing an estimated area of 46,410,209 acres, a list of which reservations, with the respective areas and the States and Territories in which they are located, will be found in its appropriate place in the Commissioner's report.

The forest policy inaugurated by my immediate predecessor continues to vindicate the wisdom of its establishment. During the past year not only has the acreage burned over in the reserves been greatly reduced over that of the preceding fiscal year, but the acreage per fire has been reduced nearly one-half, and the necessity for continuing this policy in the interest of the public, and for an increased appropriation by Congress for the carrying on of the work has been clearly demonstrated.

The patrol of the reserves was carried on by a force of rangers, which during the fiscal year was brought to the maximum during the fire season, of about 500, four hundred and seventy-five of whom were on duty at one time. October 15, 1900, about 415 rangers were still on duty; the force was then rapidly reduced, so that a month later there were about 209 rangers, which number was still further reduced so that the maximum number during December, 1900, and January, February, March, and April, 1901, was from 165 to 185, about 100 of them being employed in the southern reserves.

In May, 1901, the force was increased to 215 and in June to 280.

The character of the duties required of these rangers was set forth at length in my report of last year, and in view of the increased efficiency of the force I concur in the Commissioner's recommendation

that not less than the appropriation of \$300,000 for the forest service in connection with the creation and administration of forest reserves be continued for next year, with a possible increase in case additional lands are set aside as forest reservations.

**SELECTIONS IN LIEU OF PRIVATE LANDS IN FOREST RESERVES.**—In my annual report for the fiscal year ending June 30, 1900, I renewed my former recommendations for further modifications of the act of June 4, 1897, permitting the selection of lands in lieu of those relinquished in forest reserves. I set forth in that report illustrations of the abuses under the existing law.

Those abuses still exist and are the chief obstacle to the extension of the forest-reserve system. *The enactment of legislation along the lines recommended by this Department is, in my judgment, absolutely essential to correct the abuses in regard to such lieu selections, and I earnestly recommend that such legislation be passed.*

An idea of the present extent of lieu-land selections may be had from the showing made by the Commissioner in his report that there had been submitted by individuals, firms, and corporations under and since the act of June 4, 1897, 4,231 selections, embracing 892,509.10 acres, and that of these, the selections submitted during the past fiscal year alone embraced 332,770.07 acres. The greatest number of relinquishments made as bases for these selections were of lands in the States of California and Oregon.

**STOCK GRAZING IN FOREST RESERVES.**—For the calendar year ending December 31, 1901, the Department authorized the grazing, under permits to be issued on application approved by the Department, of 1,400,000 head of sheep on the eight reservations mentioned in the Commissioner's report. During the year 387 permits, covering 1,180,318 sheep, have been approved by me.

The Department also authorized during the calendar year, or such part of the year as was customary to the reserve, 434,750 cattle and horses to graze on the thirty-three reservations mentioned in the Commissioner's report, each horse to count as two head of cattle in certain of said reserves.

Under that authorization 1,921 permits have been approved by me, covering 252,746 cattle and 24,302 horses.

**SHEEP GRAZING IN FOREST RESERVES.**—The localities covered by many of these forest reserves embrace areas that include the ranges over which large numbers of sheep for years past have grazed, and the wool-growing interests of those sections have insisted that any curtailment of their grazing privilege would be inimical, if not destructive, to that industry.

On the other hand, those engaged in agricultural pursuits purely and who are directly interested in the conservation of the water supply for purposes of irrigation, which is the primary purpose for which these

reservations are created, have contended with equal energy that sheep grazing in these reserves destroys the forest cover and so hardens the soil that the melting snows and the rainfall pass off in a flood, thus preventing the conservation of the water supply and defeating the purpose for which said reserves were created. With these contending interests clamoring before the Department for recognition and each insisting on the absolute correctness of its theory, the Department has had no little embarrassment in determining upon a policy that would be fair to both of them.

I recognize fully the vast interests involved in the wool-growing industry, but I also recognize that the paramount question before the people of the West to-day, especially those in the arid regions, is how to properly conserve and protect the water supply so as to furnish a sufficient amount to answer all the demands for irrigating purposes, and the best solution that has yet been offered to that problem is the creation, the efficient patrolling, and the proper administration of forest reserves.

Under these circumstances I have adopted the policy of permitting sheep to graze in that portion of certain reserves where it is shown, after careful examination, that such grazing is in no way injurious to or preventive of the conservation of the water supply, and that policy it is my purpose to continue.

Such a policy, in my judgment, will afford all the encouragement to the wool-growing industry that it can reasonably ask in this connection from this Department, and is not inconsistent with those vast interests dependent upon irrigation, which demand consideration at my hands.

**SALE OF TIMBER IN FOREST RESERVES.**—Seventy-five petitions for sale of timber from lands within forest reserves were received during the past year, involving 26,175,271 feet of timber, board measure, and 21,715 cords of wood; and three petitions have been received in which the statement of the amount of timber sought was so indefinite that no estimate thereof was possible.

Forty-two petitions were pending before the General Land Office at the beginning of the fiscal year and 31 sales have been effected, amounting to \$29,250.88, which sum has been paid to the receivers of the public moneys of the several United States land offices. Petitions have been withdrawn or passed upon unfavorably by the Department in 25 cases, and 62 cases are pending examination, completion of advertisements, or necessary action by forest officials.

A rigid insistence on the use of dead timber to supply the demand wherever practicable has won for the system the commendation and support of thinking men, who appreciate the effort to minimize the use of living timber to save the dead timber, to realize its value, and to rid the forests of an undesirable element. The provisions of the

law are becoming better understood every day, and as that occurs its popularity is demonstrated by the increased number of petitions and the cheerful compliance with the provisions of the law and the regulations of the Department thereunder.

**SAN FRANCISCO MOUNTAINS FOREST RESERVES.**—During the past two years I have been endeavoring to reach some arrangement with the owners of the odd-numbered sections adjoining the San Francisco Mountains Forest Reserves in Arizona that will enable me to recommend to the President such action as would effect the consolidation of said reserves.

During the past year such proceedings were had in the matter that a proposition was finally submitted to this Department by the owners of the odd-numbered sections within the exterior limits of said reserves which I approved and which it was expected would effect the consolidation desired.

Approximately, said odd-numbered sections embrace an area of 900,000 acres, all of which I understood was to be relinquished to the United States, and other lands in lieu thereof selected elsewhere. When it came, however, to the carrying out of the proposition submitted, it was discovered that the owners of the odd-numbered sections had overlooked the fact that an estimated area of 150,000 acres, and which were timbered lands, could not be relinquished because they were either covered by contracts of sale or by contracts providing for the removal of the timber therefrom.

Other information received by the Department led me to believe that a large portion of the remaining 750,000 acres which it was proposed to relinquish was in no sense timbered lands, and that the actual acreage of timbered lands that would be acquired by the Government if said 750,000 acres were relinquished to it would not be great enough to warrant the Government in making the exchange of lands under the terms of the proposition, nor great enough to aid materially in conserving the water supply. I therefore declined to proceed further in the matter, or to ask the President to make such consolidation by proclamation, and I so advised the parties in interest.

A very clear statement of the proceedings had before this Department in relation to said proposed consolidation is set forth in my letter of July 2, 1901, to Mr. A. B. Leach, president of the Arizona Water Company, New York City, N. Y., in reply to his communication of June 21, 1901, addressed to the President. Both of said letters, that of Mr. Leach and the directors and attorneys of the Arizona Water Company to the President, and my reply thereto, are hereto appended, page 222, marked Exhibit C.

**TEMPORARY WITHDRAWALS WITH A VIEW TO CREATING FOREST RESERVES.**—In addition to the reservations now in existence, there have been withdrawn in several instances, upon requests and petitions

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 in which said opening was accomplished,  
 Department, dated October 9, 1901, a  
 page 246, marked Exhibit E.

Commissioner, under the instructions of the  
 subdivide the country to be opened into  
 of said counties, and survey and sub-  
 also had charge of the registration of  
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for disposition under the homestead laws on December 4, 1900, and that certain other tracts mentioned in my said report had also been ordered to be sold at the same time. The sale occurred on the day mentioned, namely, November 27, 1900.

Subsequent thereto, information having reached me that the bidders at said sale had colluded and conspired to keep down the price of said lands, I directed the Commissioner of the General Land Office not to approve any of the purchases made at said sale nor to issue any patents thereon until further advised by this Department.

In a few instances, where the purchasers have shown that they made their purchase in good faith, paid a reasonable price for the lands, and were not parties to any collusion or conspiracy to keep down the price of said lands, I have modified said order and authorized the Commissioner of the General Land Office to approve the purchase and issue patent thereon. Otherwise the order directing that said sale shall not be approved or patents issued thereon still stands, and will stand until an investigation by a reliable officer of this Department shows that there was no irregularity in the matter of said sale as charged.

OPENING OF KIOWA, COMANCHE, AND APACHE INDIAN LANDS IN THE TERRITORY OF OKLAHOMA.—Under agreements ratified by the acts of March 2, 1895 (28 Stat., 895), and June 6, 1900 (31 Stat., 676), certain lands in the Territory of Oklahoma were ceded to the United States by the Wichita and affiliated bands of Indians, and the Kiowa, Comanche, and Apache tribes of Indians, respectively, and by the act of March 3, 1901 (31 Stat., 1093-1094), it was provided that the lands to be opened to settlement and entry under said acts above mentioned should be so opened by Presidential proclamation; that said proclamation should prescribe the manner in which said lands might be settled upon, occupied, and entered by persons entitled thereto, under the acts ratifying said agreements, respectively, and that no persons should be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same should be opened to settlement and entry.

By proclamation dated July 4, 1901, the President prescribed the manner in which said lands might be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, a copy of which proclamation is hereto appended, page 225, marked Exhibit D.

It was provided in said proclamation that the Secretary of the Interior should prescribe all needful rules and regulations necessary to carry into full effect the opening therein provided for, and under the authority thus conferred I designated Hon. W. A. Richards, Assistant Commissioner of the General Land Office, to take charge of the open-

ing under my instructions; and he was given full authority in the premises.

The unparalleled success of said opening, the successful manner in which the Assistant Commissioner and his assistants conducted and completed their unusual and extremely laborious work, and the systematic and businesslike way in which he discharged the duties imposed upon him by the Department will, I trust, cause said opening to be accepted as a precedent for all future openings of the public domain.

The detailed account of the services performed by the Assistant Commissioner, and of the manner in which said opening was accomplished, is set forth in his report to this Department, dated October 9, 1901, a copy of which is hereto appended, page 246, marked Exhibit E.

Briefly, the Assistant Commissioner, under the instructions of the Department, was required to subdivide the country to be opened into counties, locate the county seats of said counties, and survey and subdivide them into town lots. He also had charge of the registration of those who desired to make homestead entry under the President's proclamation and of the drawing which determined the order in which the registered applicants were to be permitted to make homestead entry of the lands embraced in said opening. One hundred and sixty-four thousand four hundred and sixteen persons were registered and participated in said drawing, but there were not lands enough to satisfy more than 13,000 applications.

The Assistant Commissioner also had charge of the sale of town lots in the county seats which he located and surveyed. Every lot was sold. The total receipts from the sale aggregated \$736,033. The expenses incurred in making the sales of said town sites aggregated \$5,831.15, a little less than four-fifths of 1 per cent of the total receipts, leaving a balance of \$730,201.85, which was deposited to the credit of the Secretary of the Interior, as trustee of said town sites, in the sub-treasury at St. Louis.

Under the act of March 3, 1901, it was provided that the expenses incident to surveying and subdividing, platting, and selling of said town lots should be deducted from the sales thereof. Those expenses equaled \$5,284.23, one-third of which, or \$1,761.41, is properly chargeable against the receipts from the sale of each town site, and as the whole sum, \$5,284.23, was audited by the General Land Office and paid from the appropriations to which they were properly chargeable, said sum should be deducted from the receipts of the sales of said town lots, on account of said expenses, and deposited to the credit of the Treasurer of the United States, which would leave the total net receipts from the sale of the three town sites \$724,917.61.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land



officers at Lawton and El Reno, a very close estimate of the same can be made as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated).....	\$8,271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return.....	3,100
Incidental expenses of registration and drawing, as shown by advances made to the local officers.....	5,920
Salaries of registers and receivers for two months.....	2,000
Salaries of 10 local land-office clerks for two months.....	1,500
Total.....	20,791

In addition to other fees, of which no account is now available, the land offices at Lawton and El Reno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of \$162,932, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of \$142,141 is left to the credit of the Government upon this account. This is a net sum accruing to the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation, it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were \$724,917, which, added to \$142,141, the net receipts of the homestead entries, makes a total of \$867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

It is believed that the orderly and business-like methods that characterized this opening and the small per cent that the expense of the sale of said town sites bore to the total receipts make a showing that has never been equaled in any opening or sale of public lands in the whole history of the administration of the public-land system.

The quiet and orderly manner in which the opening was accomplished is most gratifying, especially when contrasted with the utter disregard of law and order, the outrages, and the contests which characterized the former openings on the "sooner" plan, and the spectacle of 151,000 disappointed applicants quietly retiring in favor of the 13,000 successful ones, is a characteristic demonstration of the willingness of the American people to respect and obey the law when its enforcement is accomplished by such rules and regulations as provide an absolute equality of opportunity to all, as was the case in the opening which the Assistant Commissioner and his assistants conducted with so much credit, and which secured the unqualified approval of all who were interested therein.

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The amount disbursed for army and navy pensions during the year was \$138,531,483.84, of which amount \$67,867,233.84 was paid on account of pensions under the general law; \$66,973,481.15 on account of pensions under the act of June 27, 1890; \$1,175,225.76 for pensions on account the war with Spain, and \$2,389,218.99 for pensions on account of wars prior to March 4, 1861. The amount disbursed by Treasury settlement was \$126,324.10.

The amount disbursed for navy pensions was \$3,787,693.03.

that not less than the appropriation of \$300,000 for the forest service in connection with the creation and administration of forest reserves be continued for next year, with a possible increase in case additional lands are set aside as forest reservations.

**SELECTIONS IN LIEU OF PRIVATE LANDS IN FOREST RESERVES.**—In my annual report for the fiscal year ending June 30, 1900, I renewed my former recommendations for further modifications of the act of June 4, 1897, permitting the selection of lands in lieu of those relinquished in forest reserves. I set forth in that report illustrations of the abuses under the existing law.

Those abuses still exist and are the chief obstacle to the extension of the forest-reserve system. *The enactment of legislation along the lines recommended by this Department is, in my judgment, absolutely essential to correct the abuses in regard to such lieu selections, and I earnestly recommend that such legislation be passed.*

An idea of the present extent of lieu-land selections may be had from the showing made by the Commissioner in his report that there had been submitted by individuals, firms, and corporations under and since the act of June 4, 1897, 4,231 selections, embracing 892,509.10 acres, and that of these, the selections submitted during the past fiscal year alone embraced 332,770.07 acres. The greatest number of relinquishments made as bases for these selections were of lands in the States of California and Oregon.

**STOCK GRAZING IN FOREST RESERVES.**—For the calendar year ending December 31, 1901, the Department authorized the grazing, under permits to be issued on application approved by the Department, of 1,400,000 head of sheep on the eight reservations mentioned in the Commissioner's report. During the year 387 permits, covering 1,180,318 sheep, have been approved by me.

The Department also authorized during the calendar year, or such part of the year as was customary to the reserve, 434,750 cattle and horses to graze on the thirty-three reservations mentioned in the Commissioner's report, each horse to count as two head of cattle in certain of said reserves.

Under that authorization 1,921 permits have been approved by me, covering 252,746 cattle and 24,302 horses.

**SHEEP GRAZING IN FOREST RESERVES.**—The localities covered by many of these forest reserves embrace areas that include the ranges over which large numbers of sheep for years past have grazed, and the wool-growing interests of those sections have insisted that any curtailment of their grazing privilege would be inimical, if not destructive, to that industry.

On the other hand, those engaged in agricultural pursuits purely and who are directly interested in the conservation of the water supply for purposes of irrigation, which is the primary purpose for which these

reservations are created, have contended with equal energy that sheep grazing in these reserves destroys the forest cover and so hardens the soil that the melting snows and the rainfall pass off in a flood, thus preventing the conservation of the water supply and defeating the purpose for which said reserves were created. With these contending interests clamoring before the Department for recognition and each insisting on the absolute correctness of its theory, the Department has had no little embarrassment in determining upon a policy that would be fair to both of them.

I recognize fully the vast interests involved in the wool-growing industry, but I also recognize that the paramount question before the people of the West to-day, especially those in the arid regions, is how to properly conserve and protect the water supply so as to furnish a sufficient amount to answer all the demands for irrigating purposes, and the best solution that has yet been offered to that problem is the creation, the efficient patrolling, and the proper administration of forest reserves.

Under these circumstances I have adopted the policy of permitting sheep to graze in that portion of certain reserves where it is shown, after careful examination, that such grazing is in no way injurious to or preventive of the conservation of the water supply, and that policy it is my purpose to continue.

Such a policy, in my judgment, will afford all the encouragement to the wool-growing industry that it can reasonably ask in this connection from this Department, and is not inconsistent with those vast interests dependent upon irrigation, which demand consideration at my hands.

**SALE OF TIMBER IN FOREST RESERVES.**—Seventy-five petitions for sale of timber from lands within forest reserves were received during the past year, involving 26,175,271 feet of timber, board measure, and 21,715 cords of wood; and three petitions have been received in which the statement of the amount of timber sought was so indefinite that no estimate thereof was possible.

Forty-two petitions were pending before the General Land Office at the beginning of the fiscal year and 31 sales have been effected, amounting to \$29,250.88, which sum has been paid to the receivers of the public moneys of the several United States land offices. Petitions have been withdrawn or passed upon unfavorably by the Department in 25 cases, and 62 cases are pending examination, completion of advertisements, or necessary action by forest officials.

A rigid insistence on the use of dead timber to supply the demand wherever practicable has won for the system the commendation and support of thinking men, who appreciate the effort to minimize the use of living timber to save the dead timber, to realize its value, and to rid the forests of an undesirable element. The provisions of the

law are becoming better understood every day, and as that occurs its popularity is demonstrated by the increased number of petitions and the cheerful compliance with the provisions of the law and the regulations of the Department thereunder.

**SAN FRANCISCO MOUNTAINS FOREST RESERVES.**—During the past two years I have been endeavoring to reach some arrangement with the owners of the odd-numbered sections adjoining the San Francisco Mountains Forest Reserves in Arizona that will enable me to recommend to the President such action as would effect the consolidation of said reserves.

During the past year such proceedings were had in the matter that a proposition was finally submitted to this Department by the owners of the odd-numbered sections within the exterior limits of said reserves which I approved and which it was expected would effect the consolidation desired.

Approximately, said odd-numbered sections embrace an area of 900,000 acres, all of which I understood was to be relinquished to the United States, and other lands in lieu thereof selected elsewhere. When it came, however, to the carrying out of the proposition submitted, it was discovered that the owners of the odd-numbered sections had overlooked the fact that an estimated area of 150,000 acres, and which were timbered lands, could not be relinquished because they were either covered by contracts of sale or by contracts providing for the removal of the timber therefrom.

Other information received by the Department led me to believe that a large portion of the remaining 750,000 acres which it was proposed to relinquish was in no sense timbered lands, and that the actual acreage of timbered lands that would be acquired by the Government if said 750,000 acres were relinquished to it would not be great enough to warrant the Government in making the exchange of lands under the terms of the proposition, nor great enough to aid materially in conserving the water supply. I therefore declined to proceed further in the matter, or to ask the President to make such consolidation by proclamation, and I so advised the parties in interest.

A very clear statement of the proceedings had before this Department in relation to said proposed consolidation is set forth in my letter of July 2, 1901, to Mr. A. B. Leach, president of the Arizona Water Company, New York City, N. Y., in reply to his communication of June 21, 1901, addressed to the President. Both of said letters, that of Mr. Leach and the directors and attorneys of the Arizona Water Company to the President, and my reply thereto, are hereto appended, page 222, marked Exhibit C.

**TEMPORARY WITHDRAWALS WITH A VIEW TO CREATING FOREST RESERVES.**—In addition to the reservations now in existence, there have been withdrawn in several instances, upon requests and petitions

from city officials and other citizens in various localities, portions of the public domain from settlement, entry, sale, or other disposal, with a view to preventing their appropriation pending consideration of the question of the advisability of setting the same apart as a forest reserve, as follows:

- Proposed Elkhorn forest reserve, in Montana.
- Proposed Salt Lake forest reserve, in Utah.
- Proposed Las Animas forest reserve, in Colorado.
- Proposed Tooele forest reserve, in Utah.
- Proposed Elk Creek forest reserve, in Oregon.

Should it be found on investigation that it is inadvisable or impracticable to create forest reserves from the areas thus temporarily withdrawn, the order of temporary withdrawal will be revoked and the land restored to the public domain for disposition under the various public-land laws.

**OTHER TEMPORARY WITHDRAWALS.**—Temporary withdrawals have also been made of various portions of the public domain which contain natural curiosities or ruins and relics of scientific or historic interest, with a view to the creation of national parks, namely:

- Proposed Pajarito national park, in New Mexico.
- Proposed El Moro (or Inscription Rock) national park, in New Mexico.
- Proposed Wind Cave national park, in South Dakota.

**CONSERVATIVE LUMBERING IN FOREST RESERVES.**—The subject of conservative lumbering in forest reserves was referred to in my last annual report. It was there stated that the subject was under consideration in connection with the Agricultural Department, and that as a preliminary step in the matter instructions had been issued to each of the forest superintendents to make a careful study of the subject as applicable to the particular reserve under his charge, and thereafter submit a comprehensive report in regard to each reserve, showing what he deemed the best methods to be pursued in connection with harvesting the timber therein, and that they were also directed to make a further study and report upon the closely related subject of reforestation, and to cooperate with the work of the Agricultural Department in connection with this branch of forestry.

The subject is still under investigation, and it is hoped that definite results will be obtained by the time my next annual report is submitted and that I will be able to make definite recommendations at that time in relation thereto.

**CHIPPEWA CEDED LANDS IN MINNESOTA.**—A brief history of the legislation passed by Congress in relation to these lands is set forth in my last annual report, and it was therein stated that a sale of the pine lands in the four ceded townships in the White Earth Reservation had been ordered, the sale to take place on November 27, 1900, and that the agricultural lands in said townships had been directed to be opened



for disposition under the homestead laws on December 4, 1900, and that certain other tracts mentioned in my said report had also been ordered to be sold at the same time. The sale occurred on the day mentioned, namely, November 27, 1900.

Subsequent thereto, information having reached me that the bidders at said sale had colluded and conspired to keep down the price of said lands, I directed the Commissioner of the General Land Office not to approve any of the purchases made at said sale nor to issue any patents thereon until further advised by this Department.

In a few instances, where the purchasers have shown that they made their purchase in good faith, paid a reasonable price for the lands, and were not parties to any collusion or conspiracy to keep down the price of said lands, I have modified said order and authorized the Commissioner of the General Land Office to approve the purchase and issue patent thereon. Otherwise the order directing that said sale shall not be approved or patents issued thereon still stands, and will stand until an investigation by a reliable officer of this Department shows that there was no irregularity in the matter of said sale as charged.

OPENING OF KIOWA, COMANCHE, AND APACHE INDIAN LANDS IN THE TERRITORY OF OKLAHOMA.—Under agreements ratified by the acts of March 2, 1895 (28 Stat., 895), and June 6, 1900 (31 Stat., 676), certain lands in the Territory of Oklahoma were ceded to the United States by the Wichita and affiliated bands of Indians, and the Kiowa, Comanche, and Apache tribes of Indians, respectively, and by the act of March 3, 1901 (31 Stat., 1093-1094), it was provided that the lands to be opened to settlement and entry under said acts above mentioned should be so opened by Presidential proclamation; that said proclamation should prescribe the manner in which said lands might be settled upon, occupied, and entered by persons entitled thereto, under the acts ratifying said agreements, respectively, and that no persons should be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same should be opened to settlement and entry.

By proclamation dated July 4, 1901, the President prescribed the manner in which said lands might be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, a copy of which proclamation is hereto appended, page 225, marked Exhibit D.

It was provided in said proclamation that the Secretary of the Interior should prescribe all needful rules and regulations necessary to carry into full effect the opening therein provided for, and under the authority thus conferred I designated Hon. W. A. Richards, Assistant Commissioner of the General Land Office, to take charge of the open-

ing under my instructions; and he was given full authority in the premises.

The unparalleled success of said opening, the successful manner in which the Assistant Commissioner and his assistants conducted and completed their unusual and extremely laborious work, and the systematic and businesslike way in which he discharged the duties imposed upon him by the Department will, I trust, cause said opening to be accepted as a precedent for all future openings of the public domain.

The detailed account of the services performed by the Assistant Commissioner, and of the manner in which said opening was accomplished, is set forth in his report to this Department, dated October 9, 1901, a copy of which is hereto appended, page 246, marked Exhibit E.

Briefly, the Assistant Commissioner, under the instructions of the Department, was required to subdivide the country to be opened into counties, locate the county seats of said counties, and survey and subdivide them into town lots. He also had charge of the registration of those who desired to make homestead entry under the President's proclamation and of the drawing which determined the order in which the registered applicants were to be permitted to make homestead entry of the lands embraced in said opening. One hundred and sixty-four thousand four hundred and sixteen persons were registered and participated in said drawing, but there were not lands enough to satisfy more than 13,000 applications.

The Assistant Commissioner also had charge of the sale of town lots in the county seats which he located and surveyed. Every lot was sold. The total receipts from the sale aggregated \$736,033. The expenses incurred in making the sales of said town sites aggregated \$5,831.15, a little less than four-fifths of 1 per cent of the total receipts, leaving a balance of \$730,201.85, which was deposited to the credit of the Secretary of the Interior, as trustee of said town sites, in the sub-treasury at St. Louis.

Under the act of March 3, 1901, it was provided that the expenses incident to surveying and subdividing, platting, and selling of said town lots should be deducted from the sales thereof. Those expenses equaled \$5,284.23, one-third of which, or \$1,761.41, is properly chargeable against the receipts from the sale of each town site, and as the whole sum, \$5,284.23, was audited by the General Land Office and paid from the appropriations to which they were properly chargeable, said sum should be deducted from the receipts of the sales of said town lots, on account of said expenses, and deposited to the credit of the Treasurer of the United States, which would leave the total net receipts from the sale of the three town sites \$724,917.61.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land

officers at Lawton and El Reno, a very close estimate of the same can be made as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated).....	\$8, 271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return.....	3, 100
Incidental expenses of registration and drawing, as shown by advances made to the local officers .....	5, 920
Salaries of registers and receivers for two months.....	2, 000
Salaries of 10 local land-office clerks for two months.....	1, 500
Total.....	20, 791

In addition to other fees, of which no account is now available, the land offices at Lawton and El Reno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of \$162,932, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of \$142,141 is left to the credit of the Government upon this account. This is a net sum accruing to the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation, it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were \$724,917, which, added to \$142,141, the net receipts of the homestead entries, makes a total of \$867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

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The report of the Commissioner shows that the total number of claims of all classes pending on June 30, 1901, was 403,569, being a reduction of 33,535 claims for the fiscal year. Of the number of pending claims, 228,534, or more than one-half, were filed by persons who have heretofore been granted a pension and who are now seeking an additional allowance; 33,532 are claims on account of the war with Spain; 24,206 are claims for accrued pension due deceased pensioners; 1,577 are claims that were filed by soldiers who have since died; 11,798 are claims of soldiers that have never been adjudicated; 32,520 are original invalid claims that have been rejected from one to many times for want of evidence showing title; and 41,399 are claims for new disabilities."

The appropriation for the payment of army and navy pensions for the fiscal year ended June 30, 1901, was \$144,000,000. Adding the payments to the appropriation (\$3,469.01) the sum available for pensions for the fiscal year was \$144,003,469.01.

The amount disbursed for army and navy pensions during the year was \$138,531,483.84, of which amount \$67,867,233.84 was paid on account of pensions under the general law; \$66,973,481.15 on account of pensions under the act of June 27, 1890; \$1,175,225.76 for pensions on account the war with Spain, and \$2,389,218.99 for pensions on account of wars prior to March 4, 1861. The amount disbursed by treasury settlement was \$126,324.10.

The amount disbursed for navy pensions was \$3,787,693.03.

The increase over the expenditures for the previous year was \$69,353.19, and there was an unexpended balance on June 30, 1901, of \$5,471,985.17 to be covered into the Treasury.

The amount expended for salaries and other expenses of the Pension Bureau was \$2,498,639.90; the cost of disbursements, fees for examining surgeons, etc., was \$1,370,155.54, making the gross expenditure on account of pensions, disbursements, office expenses, clerical hire, etc., \$142,400,279.28.

The annual value of the pension roll as it stood on June 30, 1901, was \$131,568,216, an increase of \$33,672 in the annual value of the roll from the year proceeding. The average annual value of each pension on June 30, 1901, was \$131.87, a slight decrease from the former year, caused by the death of pensioners who were in receipt of high rates of pensions, and by the reduced number of general-law pensioners. The annual average value of general-law pensions increased from \$167.53 to \$168.67, while the average value of pensions under the act of June 27, 1890, has decreased from \$108.28 to \$108.10, and the average annual value of pensions granted on account of service in the war with Spain has decreased from \$169.10 in 1900 to \$153.50 in 1901.

The number of original applications for pension filed during the year was 58,373, which number includes 14,161 on account of service in the war with Spain.

The total number of applications for army and navy pensions received in the Pension Bureau during the year was 218,616, of which number 117,986 were applications for increase.

The number of pensioners living in foreign countries at the close of the year was 4,547, to whom was paid in pensions the sum of \$641,161. There were also 72 pensioners residing in our insular possessions, who received during the year the sum of \$10,312.89,

The number of claims filed under the act of March 3, 1901, which is an amendment of section 4708 of the Revised Statutes, confirming the right to restoration of pension to remarried widows under conditions specified in the act, was 3,258. They are being adjudicated as rapidly as the evidence is furnished to complete them. It is not now practical to estimate the number of persons that will be entitled to the benefit of this act.

The number of special acts granting pensions and increase of pensions passed at the first session of the Fifty-sixth Congress was 63, and the number passed at the second session was 707, making a total of 1,391 special acts for the Congress.

A net decrease is shown in the number of pensioners for the Civil wars for service prior to March 4, 1861, of 4,884; a net increase in the number of those pensioned on account of the war of the rebellion of 3,301; an increase in the number pensioned on account of the war

Spain of 5,604, and 16,610 pensions were granted to widows under the act of June 27, 1890, or nearly 4,500 in excess of the number granted the previous year, the result of the act of May 9, 1900, amendatory of the former law.

The total amount paid to pensioners during the year as first payments upon the allowance of their claims was \$9,934,763.54. These payments were on account of arrears of pension, which are becoming smaller each year by reason of the progress which has been made in bringing the adjudication of claims current, thereby lessening the "arrears" period between date of filing the claim and the date of its settlement. There are, however, many claims adjudicated carrying large sums as "arrears," 675 of these having been allowed during the year, in which the first payment averaged nearly \$1,500 each.

The amount paid as fees to attorneys during the year was \$591,245.22, an increase of \$73,868.90 over the previous year. The Commissioner reports that this increase was caused by the allowance of Spanish war claims, in nearly all of which the attorneys had filed agreements from claimants for a \$25 fee, although most of the claims required very little service on the part of the attorney aside from the preparation of the declaration.

The appropriation for medical examinations for the fiscal year was \$700,000, of which \$661,654.58 was expended during the first nine months of the year, leaving only a small balance available for the payment of examining surgeons for making medical examinations for the months of April, May, and June, 1901. The large number of orders for medical examinations issued during the year is attributable to the demands of claimants for increase of pension, and at least 100,000 of the medical examinations held were unproductive in that they failed to show an increase of disability. No limit is imposed upon the filing of applications for increase, and therefore no limit to the orders for medical examinations can be established.

During the year six of the eighteen pension agencies occupied leased quarters, at a total annual rental of \$11,855. Since then the agencies at Buffalo, N. Y., and Topeka, Kans., have been removed to Government buildings, so that now only four agencies occupy offices outside of buildings owned by the Government, at an annual rental of \$9,480. The accounts of the agents are submitted for audit in better condition and with greater uniformity than heretofore, thus enabling the accounting officer to pass upon them without delay.

Prior to the year 1900 there was no systematic effort made to ascertain the disposition made of pension money paid to guardians, but supervision of the expenditure of the pension funds intrusted to them was left almost entirely to the courts, notwithstanding their want of jurisdiction in such matters, as shown in decisions of the Federal courts. In January, 1900, a rule was adopted requiring guardians to render the Commissioner



annual accounts of their receipts and expenditures of pension money. This requirement resulted in showing that pension money in the hands of guardians was often being diverted from its proper uses, and that pensioners and the Government alike were being defrauded under the lack of system which had obtained prior to the adoption of the rule.

Many cases were revealed in which the guardians were appropriating the pension to their own use in various ways, while the wards were being maintained at public expense.

A number of cases are cited in the report of the Commissioner showing the accumulation of funds in the hands of guardians ranging from \$1,000 to \$26,000, while the intended beneficiary is being cared for in some public institution at the expense of the public.

The question as to the proper disposition of accumulated funds in the hands of guardians was submitted to the Department by the Commissioner on May 1, 1901, and the conclusions reached were in effect as follows, viz:

1. The guardian of a pensioner is the agent of the United States for the proper expenditure of pension money in his hands, irrespective of the duties devolved upon him by the State law.
2. A pension fund granted to a pensioner, in the hands of a guardian, is in transit until it reaches its final destination, and is controlled only by the United States; and the Commissioner of Pensions is invested with the discretionary power necessary to the proper administration of the pension laws, and guardians holding pension funds are subject to his direction, both before and after the death of their wards.
3. All funds which have accumulated in the hands of a guardian by operation of the pension law and have not been paid to the pensioner or expended in accordance with law in his behalf are in the nature of accrued pension.
4. An unexpended pension fund in the hands of a guardian has not, in legal contemplation, been paid to the pensioner and is an accrued pension.
5. The act of March 2, 1895, is the law of distribution of accrued pension of a deceased pensioner, and applies to the fund in the hands of a guardian unexpended at the time of such pensioner's decease.

Under this decision no further pension will be paid to guardians except as the needs of their wards shall require; and the pension thus withheld will be paid to the pensioners upon their restoration to competency, or distributed in accordance with the provisions of the act of March 2, 1895, upon their death.

The Commissioner expresses the opinion that the justness of this decision and the force of its conclusions will appeal to the courts, to all right-minded guardians, and others directly or indirectly concerned, and the general public as well, and that they will fully approve the practice which legitimately flows therefrom.

The number of claims filed for pension as a result of disabilities incurred in the service from April 21, 1898, to June 30, 1901 (Spanish-American war), was 45,710, this number of claims being about 20 per cent of the number of men enlisted for the war with Spain, while in

1872, or seven years after the close of the civil war, only about 6 per cent of the soldiers of that war had filed claims.

Many claims are filed by those who have been discharged from the service since the fall of 1898 for disabilities alleged to have been contracted in the service, when but a few days prior to the execution of the applications the soldiers had been carefully examined and found to be suffering from no disability whatever. Under the system adopted by the War Department all the volunteer soldiers were required, upon their muster out, to state what disabilities they contracted in service, and they were carefully examined by the officers of the Army to determine their physical condition.

The absence of any signs of disability at discharge does not prevent many soldiers from filing applications for pension through the solicitation of claim agents located at the place of muster out, in which a number of disabilities are set up as a basis for pension.

Many letters, the Commissioner states, are often received from these claimants stating that they did not wish to file the applications, but were persuaded to do so by the claim agents.

The history of one of the volunteer regiments in the war with Spain is cited to show the conditions which promote the filing of claims for pension. This regiment had 53 commissioned officers and 937 enlisted men and served about six months in 1898. Up to June 30, 1901, 477 claims for pension had been filed on account of disabilities contracted in said service.

The Commissioner states that—

I am not prepared to believe that those who engaged in the war with Spain, many of them sons of the veterans of the civil war, were less patriotic than their ancestors, or that they are more covetous, but in my opinion it is the fault of the system of pensioning, with its active army of attorneys, solicitors, and drummers, practically employed and licensed by the Government to solicit and secure applications for pension with the promise of \$25 for each claim that is secured and allowed. No blame or criticism should be attached to the soldiers, as they are importuned and persuaded that it is their duty to file claims whether disabled or not.

The report specifies in detail the defects in the present system of adjudicating pension claims, both with respect to the legal as well as the medical proofs submitted to the Bureau, and makes special reference to the unsatisfactory conditions which result from the present system of medical examinations. The present methods, it is stated, were never satisfactory, and each year adds to the embarrassment which they occasion, claims being mostly adjudicated upon *ex parte* testimony, and the witnesses can not be cross-examined, except in the few cases that are sent to the field for special examination.

The Commissioner quotes from the annual reports of his predecessors, as far back as 1868, to show that the same unsatisfactory conditions have existed ever since that date with regard to the system of

adjudicating pension claims on ex parte testimony and the reports of examining surgeons made under existing practice.

To obviate the difficulties and dangers of the present system of adjudicating claims for pension and to secure unbiased reports showing the physical condition of claimants for invalid pension, the Commissioner recommends that traveling medical examining boards be constituted, each board consisting of two skilled medical examiners, one attorney, and one stenographer and typewriter. The movements of these boards would be under direction of the Commissioner, and they would meet at the county seat of each county at stated periods, as the demands of the service should require, all applicants being notified fifteen or twenty days in advance of the sitting of the board. If the claim is for original pension, the claimant would appear before the board and all the facts bearing upon his claim would be gathered by the attorney, while the medical examiners would ascertain the degree of his disability, and the claim would come to the Bureau made up in such shape as would give it credit.

If only a question of increase was at issue there need be only a medical examination by the two surgeons.

It is estimated that the cost per annum of each board would not exceed \$12,490, and that 17 boards (costing \$212,330) would be sufficient to answer all demands for the New England States, New Jersey, Delaware, New York, Pennsylvania, and Ohio, which States have considerably over four-tenths of the soldier population.

The Commissioner expresses the opinion that with 40 or 50 of these boards the work of adjudicating pension claims would be orderly and systematic, and while the cost to the Government and the claimant would be less than under the present system, it would make it easier for the meritorious claimant to establish his claim, and would minimize the chances for the successful prosecution of a fraudulent one. I concur in the conclusions of the Commissioner in the premises, and have to commend his recommendation to the early and favorable consideration of Congress.

The act of June 7, 1888, which repealed all limitations as to date of filing the application in cases of widows of deceased soldiers and sailors, made their pensions commence from the date of death of the husbands, regardless of the time when the application for pension of the widow is filed.

The Commissioner expresses the opinion that this law should at once be repealed, as it is a standing invitation for the filing of fraudulent claims, owing to the large arrearages that become due upon allowances, and cites a number of sample cases which show the vicious effects of the law.

The act of August 7, 1882, provides that marriages shall be proven in pension cases to be legal marriages, according to the law of the

place where the parties resided at the time of marriage or at the time when the right of pension accrued.

The effect of this law has been to deny claimants in many instances the status of legal widowhood, although the equities appear to be in favor of such claimants. I desire to reiterate the recommendation contained in previous reports that Congress so amend the act as to provide for the admission of evidence to prove marriages for pensionable purposes by a standard which will be uniform throughout the entire jurisdiction of the United States. If this is effected many inequalities in the present practice of the Pension Bureau, which is based upon the existing law, will be removed and justice done many worthy claimants.

The act of February 26, 1881, provides that the pensions of inmates of a National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, to be disbursed for the benefit of the pensioners. It further provides that any balance of pension which may remain unexpended at the death of an inmate of the home shall be paid to the wife or children, or, in default of either, to his legal representatives. The effect of this law is to create a class of beneficiaries new to pension legislation, and results in the payment of a Government bounty to persons who, as a matter of fact, have no just claim thereto. The law, in my judgment and in that of the Commissioner, should be so amended as to provide for the payment of the balance of the pension money in the hands of the treasurer of the Soldiers' Home at the time of the death of a member, to his widow or children, or, in default of either, the balance shall escheat to the United States.

In the light of further experience, I beg to earnestly repeat the recommendation in my report of last year (pp. 62-63) that legislation be had providing for the adjudication by the Court of Claims and the Supreme Court of the United States of a limited number of test pension claims involving difficult and important questions of law, thereby establishing judicial precedents for the guidance of the Commissioner of Pensions and Secretary of the Interior. A careful study of the subject leads to the conviction that the administration of the pension laws is essentially a matter for the executive department, and that it is impracticable to impose upon the judiciary any part of the investigation and disposition of these claims beyond the interpretation of the pension laws in such number of selected and test cases as will insure correct and uniform action by succeeding officers of the Pension Bureau. A bill (S. 4251) introduced by Senator Gallinger in the last Congress has received the approval of the Senate Committee on Pensions, and it is hoped it will be presented again at the next session and receive the favorable consideration of Congress. Exhibit F of the appendix to this report (pp. 259-262) sets forth this bill, the report of the Senate

committee thereon, and certain amendments to the bill proposed by the Grand Army of the Republic committee on pensions.

Desiring to act in harmony with those who, by reason of their army service, might have suggestions and opinions to offer which are entitled to special consideration in connection with pension legislation, conferences were held in my office in January last with representatives of the Grand Army of the Republic, at which were present Messrs. Leo Rassieur, of Missouri, commander in chief; R. B. Brown, of Ohio, chairman of executive committee; John Palmer, of New York; J. W. Burst, of Illinois; Charles Clark Adams, of Massachusetts; O. H. Coulter, of Kansas, and A. G. Weissert, of Wisconsin, all members of the Grand Army of the Republic pension committee. The Assistant Secretary of the Interior, the Assistant Attorney-General of this Department, and the Commissioner of Pensions were also present to give the committee and myself any information or assistance which might be requested.

After discussing Senate bill 4251 and another one providing for a separate pension court, those present concurred in the opinion that some legislation along the line proposed in Senate bill 4251 was very desirable, and that the hope of securing it would be greatly enhanced if the Grand Army committee and the officers of this Department would come together upon some common ground and unitedly propose legislation believed by them to be fair alike to the Government and pension claimants. It was then arranged that the commander in chief of the Grand Army of the Republic, on behalf of the Grand Army committee, should go over Senate bill 4251 with the Assistant Secretary of the Interior and the Assistant Attorney-General and formulate, if possible, such amendments as would make the bill mutually acceptable to the Grand Army committee and this Department.

The bill was then gone over with the commander in chief, and such amendments as were suggested by him and insisted upon after discussion were assented to by this Department, and the bill, with these amendments incorporated therein (Exhibit F, p. 261-262 of Appendix), was laid before the Grand Army committee by the commander in chief. Subsequently Mr. Weissert of the committee informed me that, upon full consideration, the committee assented to Senate bill 4251 as thus amended, and authorized me to say that it was acceptable to them, but that, owing to a resolution adopted by the Grand Army of the Republic at its then last annual encampment, calling for the creation of a separate pension court, the committee was not at liberty to give the bill their formal approval.

In previous annual reports the desirability of the enactment by Congress of a law providing for the payment of a specific fee to attorneys in claims under the act of March 3, 1899 (30 Stats., 1379), for division

of pension, as well as in claims for accrued pension, was adverted to. In discussing the necessity for legislation of this character I stated:

The act of July 4, 1884 (23 Stat. L., 98), and the supplementary acts of March 19, 1886 (24 Stat. L., 5), June 27, 1890 (26 Stat. L., 182), March 3, 1891 (26 Stat. L., 1081), and August 5, 1892 (27 Stat. L., 348), contain provisions regulating the compensation of attorneys and agents for "services in prosecuting a claim for pension," and, subject to certain specified restrictions, clothe the Commissioner of Pensions with a supervision over the allowance of such compensation and direct that, when "such pension \* \* \* claim shall be allowed," such compensation shall be paid by the Commissioner of Pensions directly to the attorney or agent out of the pension money. The manifest purpose of this legislation is to protect pension claimants from unreasonable charges on the part of attorneys and agents engaged in securing the allowance of their claims.

This legislation is, however, limited to regulating compensation for "services in prosecuting a claim for pension," and does not extend to compensation for services rendered in other pension proceedings which do not in themselves constitute the prosecution of "a claim for pension." This has been sharply called to the attention of the Department in different ways. One of these is in connection with the administration of section 4766 of the Revised Statutes and the amendatory act of March 3, 1899 (30 Stat. L., 1379). This section, as amended, relates to the payment of pension money after the claim has been allowed, but has nothing to do with the allowance of the claim itself. It provides for enforcing a division or distribution between a pensioner and his wife or children, in certain enumerated contingencies, of the money accruing upon his pension.

The granting of an application by a wife or children for the division or distribution of such pension money is not the allowance of a pension; does not require the issuance of a pension certificate; will not increase the amount of moneys to be paid by the Government under the pension laws, and will not make the wife or children pensioners. The husband or father, as the case may be, will still be the pensioner, will still hold the pension certificate, and when the contingency which gives rise for the divided payment of the pension money ceases he will be entitled to receive all moneys thereafter accruing upon his pension.

These applications by wives and children are not, therefore, claims for pension within the meaning of the legislation regulating the compensation of attorneys and agents for services in prosecuting claims for pensions, but are only requests for the divided payment of the moneys accruing upon a pension, the claim for which has theretofore been successfully prosecuted to allowance by the husband or father. Such applications are nevertheless proceedings under the pension laws in which the beneficiaries should receive the same protection against unreasonable charges on the part of attorneys and agents as are otherwise accorded to pension claimants and pensioners. Indeed, the wives or children intended to be benefited by the act of March 3, 1899, are usually less able to protect themselves against such unreasonable charges than are most of the pension claimants who are accorded full protection by the act of July 4, 1884, and the acts supplementary thereto.

Another instance in which it has been shown that the existing legislation regulating the compensation of attorneys and agents is not broad enough occurs in the administration of section 4718 of the Revised Statutes, which provides that where the pensioner or pension claimant dies the accrued pension money shall be paid to the widow or children, if there be such, and if not, shall be paid by way of reimbursement to "the person who bore the expenses of the last sickness and burial of the decedent in cases where he did not leave sufficient assets to meet such expenses." In the United States district court for the western district of Pennsylvania, in the case of *United States v. Nicewonger* (20 Fed. Rep., 438), it was held that an appli-

cation for the payment of accrued pension money, as directed in this section, was not a claim for pension within the meaning of the acts regulating the compensation of attorneys and agents.

That Congress has the power to fix the fees of attorneys and agents for services in securing the allowance of a pension, or in procuring the payment, division, or distribution of any pension money, is fully established by the case of *Frisbie v. United States* (157 U. S., 160, 166), but in the absence of such legislation by Congress, or in those instances which are not covered by Congressional legislation, attorneys and agents may demand and receive from the claimants or applicants such compensation for their services as may be agreed upon. This is shown by the opinion of Mr. Justice Brewer in *United States v. Kock* (21 Fed. Rep., 873), where it is said:

"In the absence of a statute prohibiting it, any man may contract for his services. He is not bound to render them; and, rendering them, he may charge the person seeking those services such fee as they may agree upon."

Under these circumstances I earnestly recommend that the existing legislation regulating the compensation of attorneys and agents for services in pension matters be so amended as to provide that no compensation whatever shall be paid to them directly or indirectly for any service in connection with any claim or proceeding under the pension laws, except such as may, within certain limits fixed by Congress, be allowed by the Commissioner of Pensions and paid from the pension money, as now provided with respect to "claims for pension."

Experience in the administration of pension law during the past year has further demonstrated the necessity for the early enactment of the remedial legislation desired, and I therefore renew my recommendation regarding this subject.

THE COMMISSIONER.—The report of Commissioner Evans should be carefully read by his countrymen in order that they may properly understand the great responsibilities of his office and the exceeding difficulties which he has encountered in faithfully discharging its duties. He has no option, and should have no desire, to do otherwise than conform to the plain direction of the law in the disbursement of the enormous appropriation made for the payment of pensions. The veterans have no more sincere friend than their comrade, the Commissioner, who himself served as an enlisted man in the armies of the Union; and he but maintains and defends the honor of their patriotic service when, refusing to ignore both the letter and spirit of the law, he declines to permit the impostor, whether claimant or agent, to share in the bounty which is provided for the veteran and those dependent upon him.

There has been disbursed on account of army and navy pensions from July 1, 1790, to June 30, 1865, inclusive, the sum of \$96,445,444.23, and from July 1, 1865, to June 30, 1901, the sum of \$2,666,904,589.23. The disbursements by years on account of pensions and expenses incident to the execution of the pension laws, together with the number of pensioners on the rolls each year since July 1, 1865, is shown in the following table:

# REPORT OF THE SECRETARY OF THE INTERIOR.

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Statement showing disbursements for pensions, fees of examining surgeons, cost of disbursement, salaries, and other expenses of the number of pensioners on the rolls each year since July 1, 1865.

Fiscal year.	Disbursements for pensions.		Fees of examining surgeons.	Cost of disbursement, maintaining pension agencies.	Pension Bureau.		Number of pensioners on rolls.
	Army.	Navy.			Salaries.	Other expenses.	
1865.	\$15,158,598.64	\$291,951.24		\$155,000.00	\$237,165.00	\$15,000.00	126,722
1866.	20,552,948.47	231,841.22		115,000.00	308,361.49	27,615.86	155,474
1867.	22,811,183.75	290,325.61		115,000.00	366,186.20	31,834.14	169,633
1868.	28,168,323.34	314,923.93		115,000.00	366,007.31	43,519.50	187,963
1869.	28,043,237.00	308,251.78		216,212.86	353,690.00	51,125.00	197,495
1870.	28,081,542.41	437,250.21		431,720.03	372,378.97	58,980.00	207,465
1871.	29,276,528.96	475,925.79		457,379.51	396,315.71	57,557.78	232,149
1872.	26,502,328.96	479,334.93		456,328.99	436,021.24	90,855.39	238,411
1873.	29,603,159.24	603,619.75		447,683.17	444,052.24	75,048.72	236,241
1874.	28,727,104.76	543,300.00		447,683.17	464,821.21	73,799.35	234,821
1875.	27,411,369.53	524,900.00		417,702.13	468,577.80	98,798.88	252,104
1876.	27,659,461.72	534,283.53	\$86,824.42	455,270.05	445,202.08	97,102.78	252,944
1877.	26,251,725.91	555,089.00	254,968.26	313,194.37	443,096.56	41,210.90	242,755
1878.	33,109,339.92	787,558.66	86,538.50	203,851.24	493,255.70	53,653.68	250,802
1879.	55,901,670.42	1,163,500.00	75,547.00	221,626.76	582,517.84	55,653.68	298,830
1880.	49,419,905.35	1,084,800.00	116,737.00	222,265.00	686,565.45	46,402.19	285,697
1881.	53,328,192.05	984,800.00	232,595.87	234,544.37	868,113.92	130,981.85	303,658
1882.	56,945,115.25	958,963.11	341,186.49	285,626.29	1,723,285.68	241,355.83	322,756
1883.	64,222,275.34	919,661.78	262,066.32	303,430.61	1,936,161.65	333,322.42	325,123
1884.	63,034,642.90	1,056,500.00	482,181.13	275,976.55	2,122,926.54	511,492.12	345,783
1885.	72,654,236.69	1,288,700.39	492,714.76	284,721.14	1,948,255.80	309,291.91	365,007
1886.	77,712,789.27	1,257,712.40	845,113.61	248,280.42	1,368,027.55	420,776.24	452,357
1887.	86,396,562.15	1,846,218.43	857,991.72	263,109.87	1,978,119.98	422,534.50	489,725
1888.	103,809,350.39	2,285,000.00	865,677.62	278,962.29	1,957,725.43	380,281.73	537,944
1889.	114,744,750.83	3,479,535.35	1,640,993.76	292,367.35	1,977,560.74	876,068	676,160
1890.	135,914,611.76	3,901,177.00	1,725,397.30	380,300.14	2,301,721.80	178,823.44	966,012
1891.	136,195,963.61	3,800,700.56	1,657,628.30	590,122.02	2,491,122.87	230,768.67	969,544
1892.	136,156,808.35	3,650,980.43	672,678.50	519,892.95	2,460,011.50	370,341.69	970,524
1893.	136,632,175.88	3,582,990.10	807,707.33	563,439.37	2,461,890.50	504,800.94	970,678
1894.	136,313,911.61	3,635,862.71	672,387.47	563,439.37	2,292,959.35	491,350.52	976,014
1895.	140,924,218.71	3,725,531.09	678,365.14	572,430.41	2,254,181.40	429,631.11	963,714
1896.	134,671,258.68	3,685,791.27	1,007,636.76	536,629.84	2,151,578.85	465,845.63	901,519
1897.	134,700,507.21	3,761,533.11	717,197.80	522,812.16	2,135,512.55	435,851.25	937,735
1898.	134,713,790.81	3,787,653.63	844,262.60	525,892.94	2,118,963.20	379,616.70	907,735
1899.							
1900.							
Total	2,698,004,258.63	58,900,330.60	17,375,192.13	13,110,883.73	48,696,646.50	8,610,616.60	

Total

Approximate.

Pension Bureau includes \$67,000.00 for stationery, printing, and binding, repairs to Pension building and contingent expenses. The statement of years prior to 1899 does not include these items. The disbursement on account of Army and Navy pensions from July 1, 1790, to June 30, 1865, is \$36,145,411.23.



### PENSION APPEALS.

The report of the Assistant Secretary shows that on the 1st day of July, 1900, there were pending 15,864 appeals and motions for reconsideration.

During the fiscal year ending June 30, 1901, there were filed 6,955 appeals and motions, and 6,299 cases were disposed of, leaving 16,520 appeals and motions pending on June 30, 1901.

Of the number of cases disposed of, the adverse action of the Bureau of Pensions was reversed in 569 cases.

There were dismissed 655 cases on the report of the Commissioner of Pensions that for various and satisfactory reasons he had receded from his former adverse action.

The issues presented in the numerous appeals are diverse in character and involve many varied questions, legal and medical, arising under different existing laws.

Appealed cases are carefully reviewed by the members of the board of pension appeals under the personal supervision of the Assistant Secretary, with the view of finally and justly disposing of the pending issues in the light of the evidence and under the provisions of law.

The salutary result of this critical examination is apparent in the large reduction of the number of motions for reconsideration.

### PATENT OFFICE.

The report of the Commissioner of Patents upon the business of the Patent Office for the fiscal year ended June 30, 1901, shows that there were received during that year 42,082 applications for mechanical patents, 2,368 applications for designs, 101 applications for reissues, 1,860 caveats, 2,312 applications for trade-marks, 1,036 applications for labels, and 176 applications for prints. There were 26,481 patents granted, including reissues and designs; 1,826 trade-marks, 824 labels, and 124 prints were registered. The number of patents that expired was 20,690. The number of allowed applications which were by operation of law forfeited for nonpayment of the final fee was 4,288. The total receipts of the office were \$1,408,877.67; the total expenditures were \$1,288,970.13, and the surplus of receipts over expenditures, being the amount turned into the Treasury, was \$119,907.54.

The volume of work of the Patent Office has reached unprecedented figures, and the regular character of its increase indicates that it is likely to continue. This large volume of work has necessitated a considerable portion of the examining divisions working until 5 o'clock, and it is evident that the work can only be successfully kept up with reasonable promptness by an increase of office force. The Commis-

sioner calls attention to the fact that many of the best-equipped men in the examining corps leave the office to enter other employments, and to prevent this he recommends an increase of salary for the examiners. He also recommends an increase in the clerical force, and asks that the salary paid to stenographers and typewriters be increased to correspond with that paid for similar work in other bureaus. In view of the large surplus of receipts over expenditures, it seems that a part of this surplus could be well employed in bettering the facilities which this office affords inventors.

The Commissioner earnestly urges the necessity for more room for the Patent Office, and suggests that if it were furnished it would take the place to some extent of an increased force in more economical methods of work.

There is a necessity for steel book stacks in the scientific library in addition to those provided for by the last Congress. An appropriation of \$2,500 would be sufficient for this purpose. The appropriation for the purchase of books is inadequate and should be increased.

## THE TWELFTH AND PRIOR CENSUSES.

The Director of the Twelfth Census reports that the work of tabulating the results of the field work of the enumerators and special agents of the Twelfth Census has progressed with reasonable celerity. Much difficulty has been experienced, however, and more or less delay caused by the reduction of the clerical force, owing to the absence of employees from either illness or annual leave.

The law provides that the four principal reports shall be placed in the hands of the public by the 1st of July, 1902, and this requirement has rendered it absolutely necessary to maintain a clerical force adequate to complete the work within the prescribed period. The statisticians made estimates of the time needed to finish the particular branch assigned to each of them, but the plans so submitted have been greatly interfered with owing to the absence of clerks from duty. The officials of the office believe that their allotted task will be completed in ample time. It was hoped that by the 1st of November a large number of employees could be dispensed with, but inasmuch as the work has been retarded, owing to the difficulty of maintaining the clerical force at its maximum, it is not likely that there will be any material reduction until after the first of the year.

Out of the large number of agents employed in the census field work, about 55,000 in all, it was hardly to be expected that there would not be some who would prove incompetent and unfaithful to duty, and several cases of violation of the law occurred. The Director has endeavored to enforce the census act to the letter and, through the

assistance of the Attorney-General, has proceeded against all offenders, with satisfactory results.

The cost of the Twelfth Census from November 1, 1900, to October 31, 1901, both dates inclusive, is \$3,504,959.49. The estimated amount required for the expenses of the Twelfth Census for the fiscal year beginning July 1, 1902, and ending June 30, 1903, is \$1,972,120.

The National Conference of Charities and Corrections at its last annual meeting discussed the question of the establishment of a national bureau of charities and corrections, the work to be done under Federal supervision, preferably by the Census Bureau. At present the information is gathered by the several States, but their methods are so varied that the results can not be safely used for the purpose of comparison. The Director is doubtful as to whether the present law vests sufficient authority in him to do all the work required in connection with such an inquiry. He states that his power, however, seems to be limited to institutions, and might not be held to cover statistics of associations, the results of whose work are necessary to a complete view of the situation. Neither does the law appear to authorize the payment to institutions, societies, or courts for such information and transcripts of records as may be most economically obtained by this means. The law should be amended so as to leave no doubt on these subjects.

**PERMANENT CENSUS BUREAU.**—The action of this conference indicates a demand for exact statistics, which will doubtless be continued along other lines. The great accuracy and care required in securing and handling statistical data of all kinds can be obtained only through the medium of experienced and competent persons. The present system of organizing a census office every ten years does not permit of the keeping together of skilled statisticians, experts, and trained clerks, or of keeping open channels of statistical information. The remedy which naturally suggests itself is the establishment of a permanent census bureau with a limited force which could be increased as the work of preparing for a new census is entered upon or diminished after the census is taken. The establishment of the census as a permanent bureau would undoubtedly be in the interest not only of economy and statistical science, but would result in more efficient work generally and permit of the early publication of the statistical data compiled.

### PRIOR CENSUSES.

The records of the First, 1790, Second, 1800, Third, 1810, Fourth, 1820, Fifth, 1830, Sixth, 1840, Seventh, 1850, Eighth, 1860, Ninth, 1870, Tenth, 1880, Censuses, inclusive, are bound in book form and stored in the Patent Office building. Those of the Eleventh, 1890, Census, which as yet have not been bound, were removed during the

year from Marini's Hall, E street, between Ninth and Tenth streets NW., where accommodations had formerly been provided for them, to the Union Building on G street, between Sixth and Seventh streets NW. The space procured in the latter building is ample for the purpose for which desired; the building is dry, well lighted, etc. During the year considerable progress has been made in arranging and indexing the population schedules of the Census of 1800. This work is necessarily slow, owing to the condition of the schedules themselves and of the haphazard manner in which they were bound, coupled with the fact that frequent reference must be had to the works in the Congressional Library for reliable information as to the municipal subdivisions of the States at that time.

The necessary care, attention, and repair required to prevent further deterioration of these valuable original manuscript records of the population of the country has been given, and information compiled therefrom has been supplied to a large number of applicants throughout the United States for court and other purposes. The population and other schedules of the Eleventh, 1890, Census are still unbound, and in their present condition require the greatest care in handling to prevent mutilation or loss of the various schedules. In discussing this matter in my last annual report, I stated that—

\* \* \* the schedules in question were, under the direction of the Department, grouped numerically by supervisors and enumerators' districts, made up in packages, placed between cardboard covers, and tied up with twine. They were then piled flat in racks, and remain in that condition to the present time. Subsequent experience has demonstrated the adoption of this method of providing for the care of these population schedules in lieu of permanent binding to have been unwise. The arrangement of these schedules by districts, as above stated, conveys no idea of locality, and thus, together with the arrangement in racks, makes it practically impossible, except with great loss of time and labor, to refer to the returns from any particular place without going through the whole contents of a rack, untying and examining the sheets. It has frequently been necessary to examine from thirty to forty of these packages or portfolios in order to find a certain address, whereas if bound the possibility of mutilation or loss of family schedules would be reduced to a minimum and the contents of each bound volume could be readily ascertained from the back title lettering thereon.

During the past year it has been necessary to handle these family schedules many times, at a great loss of time and labor, owing to their present arrangement and condition. They should be bound at the earliest possible date, and I earnestly recommend that suitable appropriation be made by Congress to provide for the binding of these records. A special estimate of \$15,000 for beginning the work of arranging and binding will be submitted through the proper channels at an early date.

As stated in my last annual report, existing laws make no provision for the exaction of a fee for furnishing copies, certified or otherwise, of

the records of the Department other than those relating to the Patent Office and to the General Land Office. A large amount of money is annually lost to the Government by reason of the absence of such legislation, and I therefore renew my recommendation for the enactment of a law by Congress authorizing the Secretary of the Interior, in his discretion, to charge a fee of 10 cents a hundred words for copies, certified or otherwise, of the public records in all cases where such authority is not conferred by existing law.

### THE GEOLOGICAL SURVEY.

Plans for the work of the Geological Survey, comprising the operations of the Geologic, Topographic, Hydrographic, and Forestry branches, were approved by me on June 14, 1900. These plans provided for the well-established work of the Survey in the United States and Alaska, including cooperation in topographic, geologic, and hydrographic surveys with those States which had made arrangements therefor by legislation or through appropriate action of qualified State officials. In addition to their regular duties officers of the Survey have, with my approval, been engaged in cooperation with the Census Office and in promoting the purposes of the Pan-American Exposition in the departments of minerals, mining, and graphic arts.

**GEOLOGIC BRANCH.**—During the year the Geologic branch was reorganized according to a plan which distinguishes between supervision in scientific lines and executive control of plans and expenditures. The latter remains, as heretofore, entirely in the hands of the Director, but to secure results of the highest value in science he has committed the supervision of the work in special lines to geologists whose reputations command for their views the highest respect. In this reorganization the claims of economic geology are recognized by the appointments of a geologist in charge of investigations in metalliferous ores and of another in charge of studies in nonmetalliferous deposits.

Forty-four geologic and seven paleontologic parties have operated in the United States, Alaska, and Cuba. In the main the work proceeded along established lines, the plans being controlled by a broad policy whose purpose is to advance the development of the country by accumulation and publication of reliable scientific and practical data. Each of the great geologic districts of the country receives attention. The Atlantic Coastal Plain, the Appalachian Mountains from New England and New York to Georgia, the Appalachian coal field from Pennsylvania and Ohio to Alabama, the glaciated regions of the northern Central and Western States, the Mississippi Valley especially in reference to the occurrence of zinc, the iron-ore districts of Lake Superior, the Great Plains and Texas for artesian waters and other

resources, the Rocky Mountain province, in which general surveys are supplemented by special investigations of the best developed or most promising mining districts, the Great Basin region of Oregon and Nevada, and the mountain ranges of the Pacific slope from Washington to California. Oil and gas having excited much popular interest during the year, the Survey has been called upon for many investigations of supposed promising fields, and has responded so far as was practicable without detriment to established plans.

In Alaska topographic and geologic surveys were made, in 1900, of two general regions: (1) The southern portion of the Seward Peninsula, including the Nome district, and (2) the Chitina copper district of the Copper River region. In the Seward Peninsula one part of the results of the season's work was a geologic and topographic reconnaissance of about 7,500 square miles and a study of the occurrence of placer gold on nearly 100 creeks, included in nine different districts. The most important conclusion reached is that there is a second belt of gold-bearing rocks about 30 miles north of the Nome region proper. Another part of the work in the Seward Peninsula was a reconnaissance of the eastern portion, along streams tributary to Norton Sound. The work was both topographic and geologic, and resulted in a satisfactory report on the geology and resources of the area from Fish to Koyuk rivers. The Copper River party proceeded via Valdes to the Chitina and made a topographic and geologic survey of the Chitina Valley and its tributaries. The report deals especially with the occurrence of copper deposits.

The results of these Alaskan surveys were published by special authority of a resolution of Congress.

Plans for exploration of northwestern Alaska had been initiated in 1900 and supplies and equipment forwarded to Bergman, on the Koyuk River. To carry out these plans, parties left Washington during the winter and spring of 1901 to proceed via the Upper Yukon to Bergman. Thence one started out northward to cross the divide and descend the Colville drainage to the Arctic Ocean, while another party went west to the Kowak River, which was to be followed to Kotzebue Sound.

Later in the spring a special investigation of the mineral resources and geology of southeastern Alaska was begun.

In consequence of representations made to the State Department regarding uncertainty as to the position of the northwest international boundary between Canada and the United States, the forty-ninth parallel, from the divide of the Rocky Mountains to Puget Sound, the Director of the Geological Survey was instructed to cooperate with the Superintendent of the Coast and Geodetic Survey in the organization of parties whose duty it should be to determine provisionally the true position of the boundary for certain short sections of the line

where disputes had arisen, and also in arranging for a geologic reconnaissance of the entire stretch west of the divide of the Rocky Mountains. These instructions were complied with, and parties entered the field in June to execute the above-described surveys.

In the spring, on request of Maj. Gen. Leonard Wood, transmitted to me through the War Department, two geologists and one paleontologist were sent to Cuba, without expense to this Department, with instructions to make a reconnaissance of the economic geology of the island.

**TOPOGRAPHIC BRANCH.**—Of the regular detailed topographic mapping, 35,123 square miles, in 32 States and Territories, were completed within the year, making a total to April 30, 1901, of 866,847 square miles. The area of the country being 3,024,880 square miles, it will be seen that the completed portion is about 29 per cent of the whole. In Alaska about 6,500 square miles were mapped topographically.

**EXAMINATION AND SURVEY OF FOREST RESERVES.**—In the forest reserves the examination of the timber and the running of boundary lines were continued, and 6,543 square miles were mapped. As usual a volume giving information in relation to the various forest reserves has been prepared. By recent act of Congress authority was given the Department of Agriculture to make an examination of the forests of the southern Appalachian region, with a view to the establishment of an Appalachian forest reserve. I detailed a specialist connected with the Geological Survey to assist in the work. During the season examinations were made of almost the entire mountain region of North Carolina, together with adjacent portions of South Carolina, Georgia, and Tennessee, an irregular area comprising approximately 6,000 square miles. The results are of special interest, because the examinations on which they are based are the first made on an extended scale in the mixed forests of the East.

**DIVISION OF HYDROGRAPHY.**—The measurement of rivers in various parts of the United States and the investigation of underground currents and artesian wells in arid and semiarid sections have been carried on systematically as in former years. The results are shown in the volume on hydrography and in a number of water-supply and irrigation papers, the edition of which falls far short of the popular demand. This work is essentially a combination of geologic and hydraulic engineering, requiring experts who are familiar with various phenomena of the earth's surface, their operations being supplemented and rounded out by equally skilled and experienced engineers.

The demand for information concerning the hydrography of the United States is steadily increasing as the water resources become more largely appreciated and attempts are made to utilize them in agriculture and in various industries as well as for municipal and domestic supply. There is no other mineral whose economic value is

great and whose distribution is so widespread, yet offering such limitations in the western sections of the country, since economic use must depend largely upon storage. The variations of water supply are so great from season to season and from year to year that measurements of volume must extend over a considerable period before the results have their full value and permit developments to be made with assurance of success.

In the eastern part of the United States the measurement of rivers available chiefly for water power and to a certain extent for municipal supply has been rapidly extended, largely in cooperation with various local officials, State appropriations having been made to supplement the work being done by the National Government. The hearty support thus given, financially and otherwise, testifies to the appreciation of the value of the results to many industries.

In the South public interest has been aroused in the proposed creation of a national park or reserve to include the headwaters of the principal rivers of that part of the country. In order to obtain data bearing upon river flow and the protection of this afforded by the forests, systematic measurements have been made of the rivers in the southern Appalachian region and estimates prepared of the power utilized and available.

In the West there is even still greater demand for stream measurements and for facts concerning underground waters, since all land value rests to a large extent upon ability to obtain a sufficient supply of water. This results from the fact that there is far more good agricultural land than can be irrigated. The cost of fuel is also high, and many industries, notably various branches of mining, are dependent upon water power, with or without electrical transmission.

Besides determining the flow of the streams, much attention has been given to the preparation of reports upon the best methods of utilizing the water resources of the West. For this purpose detailed surveys have been made of the feasibility and cost of water storage and the diversion of large rivers. One of the most important projects examined is that of a large dam for water storage near San Carlos, Ariz., on the Gila River, to restore the supply of the Indians taken away by the encroachments of the white settlers, and also to reclaim a large extent of vacant public land. Other reservoirs have also been surveyed, notably on the Verde and Salt rivers.

In northern Montana an examination has been made as to the feasibility of bringing the waters of St. Mary River easterly across a low divide, supplementing the flow of Milk River, and thus enabling the settlers to utilize many thousand acres along that stream. In central Colorado similar surveys have been begun, to ascertain the possibility of diverting the waters which now go to waste in Gunnison River and taking them out through a tunnel.



In western Nevada and adjacent portions of California surveys have been made on the headwaters of Truckee and Carson rivers, to ascertain the extent to which water can be stored in the mountains for the reclamation of portions of the Nevada deserts. A number of feasible reservoir sites have been found, and it has been ascertained that large areas in Nevada can be reclaimed at reasonable cost.

Other surveys have been made in the Sierra Nevada, on the headwaters of streams flowing into San Joaquin Valley, and a large amount of information has been brought together, in conformity with the wishes of Congress as expressed in the laws authorizing an investigation of the extent to which the arid lands can be redeemed by irrigation. The application of these facts has a practical bearing upon many industrial problems besides those of reclamation.

**IRRIGATION.**—In my report for last year attention was called to the importance of providing, through wise administration, for the creation of homes for millions of people upon the arid but fertile public lands. This matter is being given increased attention by the public press and by writers upon the subject, and at the last session of Congress hearings were held by the Committees on Public Lands and on Irrigation of Arid Lands of the House of Representatives.

Briefly stated, the results of the examinations of the extent to which arid lands can be reclaimed by irrigation, made by the committees of Congress, show that while one-third of the United States is still vacant there are relatively few localities where homes can now be made. This is not because the soil is barren or infertile, but on account of the difficulty of securing an adequate water supply. There is water to be had, but this water is mainly in large rivers, from which it can be taken only by great structures, or the supply comes in sudden floods and can not be utilized until great reservoirs have been built. It is impossible for a laboring man or an association of settlers to build these great works.

The pioneer coming to the arid region found many small streams from which water could be taken out upon agricultural land. He was able through his own efforts to irrigate a small farm and to make a home. These easily available waters have been taken, and a man can no longer secure a foothold, although there still remain 600,000,000 acres of vacant land. It is possible, by water storage and by building diversion works from great rivers, to bring water to points where such men can utilize it and can enjoy opportunities similar to those had by the earlier settlers. Unless this is done much of the country must remain barren, and thousands of men and women eager to become independent citizens must remain as wanderers or tenants of others.

Enough work has been done by private capital to demonstrate the fact that water conservation and the diversion of large rivers is practicable, but, like many other works of great public importance, it can not

be made a source of profit. The works of reclamation already constructed have, as a rule, been unprofitable, and capitalists are no longer seeking opportunities for reclaiming desert land when the probabilities are against their receiving an adequate compensation for the risk and labor involved.

The argument has been presented that if the Government will not make it possible to bring water to these lands they should be turned over to the States, but the majority of citizens who have studied the subject are opposed to such action, on the ground that the vacant public lands are the heritage of the people of the United States and should be held for the creation of homes, and not made a subject of speculation, as has almost invariably been the case with lands donated to the States. The whole trend of enlightened public sentiment is in favor of an expansion of industries and commerce internally through wise action by the National Government rather than attempting to get rid of the duties and opportunities of ownership by giving away this valuable property.

Two distinct conditions are to be clearly distinguished in the problem of water conservation for the development of the West. On the one hand, there are localities where the agricultural lands along the rivers have been brought under irrigation and there is a demand for water to an extent far exceeding the supply, and where all of the flood water, though stored, would not suffice to satisfy the demands of the lands now partly tilled. The other contrasting condition is where there still remain vast bodies of public land for which water can be provided by means of reservoirs or by diversion from large rivers whose flow can not be used. Here the construction of works of reclamation in no way affects lands now in private ownership. Between these two extremes are all varieties of intermediate conditions, but these may be arbitrarily classed with one or the other.

In the first case reservoirs, if constructed, must be treated in the same way in which other public works having to do with rivers and harbors are managed. The water conserved should be used to increase the flow of the stream during the season of drought, regulating the volume so that it can be utilized to the best advantage, according to the laws and customs prevailing in the locality. This is comparable to the conditions where the outlet of a harbor has been improved without reference to the benefits to the owners of the docks around the shores.

Under the other condition, where there are unappropriated waters flowing to waste which can be brought within reach of public land, it is possible to make provisions such that the Government can be reimbursed for its expenditure. The lands to be benefited by such works should be reserved for homestead entry only in small tracts, each being subject to the payment, before the title is finally passed, of a sum equivalent to the cost of storing or conserving the water, such

payment to be made, if desired, in installments extending over a number of years.

Water should be brought to the point where the settlers can, with their own labor or by cooperation, construct ditches and laterals to reclaim the desert land. The conditions in this case would be comparable to opening a rich tract of land hitherto reserved. The moment the Government throws down the desert barriers, or announces its purpose of so doing by making possible the obtaining of water, there will be an eager rush on the part of home seekers. With the requirement of actual settlement and cultivation, to be followed by the payment of the cost of storing water, the speculative element will be eliminated, leaving the ground free to bona fide settlers.

It is safe to predict from the recent struggles for homes upon the public domain that if it should be determined that the San Carlos dam, for example, is to be built by the Government, every acre of vacant land to be supplied with water would be immediately taken in small tracts by men who would not only cultivate the ground when water is had, but in the meantime would be available as laborers in the construction of the works, and would ultimately refund to the Government the cost of the undertaking. In this manner thousands of the best class of citizens in the country would be permanently located in prosperous homes upon what is now a desert waste.

It has been estimated that the western half of the United States would sustain a population as great as that of the whole country at present if the waters now unutilized were saved and employed in irrigating the ground.

The first step in water conservation has been taken by Congress in giving authority for setting aside great areas of wooded land, largely for the beneficial influence which they exert upon the water supply. This should be followed by the construction, within the forest reserves, and elsewhere when practicable, of substantial dams impounding flood and waste waters.

Underground waters may be had in some localities where it is not practicable to irrigate the surface by means of stored water. The conditions favorable for artesian wells are believed to exist in a number of desert areas, and it is probable that important sources of supply can be had by artesian wells. The division of hydrography has begun the systematic study of some of these places, and has prepared maps showing the depth beneath the surface of the water-bearing rocks. Such maps are invaluable in the development of the country. These can be prepared for the edges of the artesian basins, where the rocks are partly upturned, but far out from the mountains it is necessary to sink test wells. If these are properly located after thorough study of all the surrounding conditions, it may be possible to settle the question of artesian supplies and definitely outline the under-

ground condition for hundreds of square miles of public land. Only by obtaining such information can the value of this and the practicability of settlement be made known. It is highly important, therefore, that a few such deep wells be drilled by the Government upon desert land, for the purpose of demonstrating the possibility of reclamation. When it has been proved that water can be had, even at considerable depths, settlement will follow.

There is no function within the power of the Government higher than that of making possible the creation of prosperous homes. In his speech at Minneapolis, Mr. Roosevelt said: "Throughout our history the success of the home maker has been but another name for the upbuilding of the nation." The remaining public lands are the heritage of the nation and should be held for homes, being reserved for actual settlers under the homestead act. The area to be taken by any one man should be reduced so that when water has been conserved by the Government the homestead shall, in certain parts of the country, be limited to 80 or even 40 acres.

The investigations of the Government experts have shown that, for example, in Arizona, where high-class fruits are cultivated, a family of five can obtain a good living upon 40 acres, or even 20. In the colder parts of the arid region, where forage crops are largely raised, the area may be made 160 acres.

The water for irrigation should be distributed in conformity with the laws of the State and without interference with any vested rights which have already accrued.

Where reservoirs or main-line canals are built by the National Government to furnish water for the public lands, the administration should proceed in harmony with the State laws, as would be the case with any other large landowner—State and nation cooperating to accomplish a result of far-reaching benefit to both.

The expansion of our interior trade and commerce, through the settlement of the arid lands and the increase of population in the West, would benefit every class and section of our country in the same way that the settlement of the Ohio and Mississippi valleys has brought prosperity and wealth to the States east of the Alleghenies. The settlement of the vast arid region still farther to the west would benefit the whole eastern half of the United States by creating new home markets for Eastern merchants, Southern cotton growers, and all manufacturers. It would enormously increase local traffic, and would tend to relieve the congestion of our great centers of population, creating opportunities which would go far to allay social discontent. It would promote industrial stability by giving to every man who wanted it a home on the land. The rush for lands in Oklahoma testifies that there are a multitude of our people who will make great sacrifices to secure such homes.

There need be no fear of competition of Western products with Eastern agriculture, since the Asiatic markets now opened will absorb the surplus of the Western farms. The character of these is also such that the staple crops of the East can not now go to the remote West nor those of the West come East, excepting in the case of semitropical and dried fruits.

The investigations which have been carried on demonstrate that looking at the matter from all sides, *there is no one question now before the people of the United States of greater importance than the conservation of the water supply and the reclamation of the arid lands of the West, and their settlement by men who will actually build homes and create communities.* The appreciation of this condition is shown by the fact that both the great political parties inserted in their platform articles calling attention to the necessity of national aid for the creation of homes on the public domain.

In view of the facts above noted it is imperative to adopt at an early date a definite policy leading to the best use of the vacant public lands. It is recommended that construction be at once begun upon certain property where the conditions are known to be such that beneficial results will follow. Out of the large number of localities examined it is suggested that the following be considered, surveys, plans, and estimates having been prepared:

The San Carlos storage reservoir in Arizona, reclaiming 100,000 acres or more of public land at an estimated cost of \$1,040,000.

The construction of reservoirs in the Sierra Nevada in California for reclaiming desert lands in Nevada.

The diversion of St. Mary River into the headwaters of Milk River in Montana.

It is further urged that the appropriation for continuing the surveys and investigations by the division of hydrography be increased to an amount commensurate with its importance, *the sum of \$250,000 being needed to carry on the work in hand.*

**MINING AND MINERAL RESOURCES.**—As stated in my last report the duties of this division of the Survey have been enlarged. Examination of the conditions of occurrence of the precious metals has been begun. A list of the gold and silver mines of the United States is being compiled, supplemented by all obtainable information concerning the characteristics of each mine. During the next year statistics supplementary to those given in the report of the Director of the Mine will be collected and published. These figures will show the amount and value of the gold and silver produced in the United States, separating that produced at placer and that produced at deep mines. Cooperating with the division of economic geology, this division has investigated the conditions of occurrence of some important economic minerals, particularly asphaltum, petroleum, borax, and salt, and has had pre-

pared a series of eleven papers on the coal fields of the country, which will appear in Part III of the Twenty-second Annual Report of the Survey.

The value of the mineral products of the country in the calendar year 1900 exceeded \$1,000,000,000, being an increase of nearly \$100,000,000 over 1899 and eclipsing all records in our history. This value was almost equally divided between the metallic and the non-metallic substances. The increases were general throughout the different branches of the mineral industry.

**PHYSICAL AND CHEMICAL LABORATORIES.**—Good progress has been made in the organization and equipment of a physical laboratory. Such instruments as are not procurable in this country have been ordered from abroad. Some valuable electric measuring instruments are now being made for the Survey in Germany, under the courteous supervision of officials of the Physikalisch-Technische Reichsanstalt, of Charlottenburg. An excellent storage battery has also been installed. A large part of the work of the chemical laboratory necessarily consisted of analyses made to aid the geologists in their determinations and mapping. During the year 187 analyses were reported as complete, besides 360 qualitative determinations of ores, minerals, etc. Notwithstanding the incomplete condition of the physical laboratory, and the large amount of routine work demanded of the chemical laboratory, a number of very interesting experiments and investigations were made within the year, which are set forth in the report of the Director.

**PUBLICATIONS.**—The number of publications naturally grows with the expansion of the Survey. The figures representing the work done in the editorial division during the year are as follows: Manuscript pages edited, 22,111; final pages of proof read and corrected, 9,469; pages indexed, 6,602. In addition 12 geologic folios were completed, and at the close of the year the maps for 10 others were in various stages of engraving; while of topographic atlas sheets, 87 were published or were in press and 25 were in process of engraving. During the year 138,631 volumes, 42,936 folios, and 327,603 maps were distributed.

A number of papers prepared during the year and already published or in press are of such a nature as to appeal strongly to the people, and have therefore been in great demand. Among these are, besides the Alaska reports already mentioned, reports on the asphalt and bituminous rock deposits of the United States, on the lead and zinc deposits of the Ozark region, on the oil and gas fields of the western interior and Texas regions, and the series of papers mentioned above, which summarize knowledge of the various coal fields of the country.

**COOPERATIVE SURVEYS.**—Investigations and surveys made by the national survey within any State are of direct benefit to the State;

and, in like manner, such work done by a State survey, if of proper quality, can be utilized by the Federal survey. Accordingly, ever since the United States Geological Survey was organized, in 1879, there has been an endeavor on the part of the Director and of the State geologists to promote the common purpose of advancing knowledge and aiding development. The first definite agreement was entered into in 1884, between the Director and the board of commissioners of Massachusetts, for sharing equally the expenses of the topographic work in the State. Under terms varied to suit the conditions of each special case, agreements involving cooperation of some sort have been made with the State officials of Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, West Virginia, North Carolina, Georgia, Alabama, Ohio, Wisconsin, Colorado, North Dakota, Nevada, and Idaho. These agreements have related chiefly to topographic work, but now that the topographic base is well advanced, similar agreements governing joint work in geology and hydrography have recently been entered into with various States. Thus the work as a whole is greatly expedited and there results a considerable saving to both national and State treasury.

## EDUCATION.

The Commissioner of Education presents some interesting statistics and general information regarding the status of education in the country.

The total enrollment in all schools, elementary, secondary, and higher, public and private, during the year was 17,020,710 pupils, an increase of 282,348 over the previous year; the enrollment in public institutions supported by general and local taxes was 15,443,462; including special institutions, such as evening schools, Indian schools, schools connected with asylums, reform schools, and other institutions more or less educational in character, increases the total enrollment by half a million pupils.

About 21 per cent of the population of the United States attend some school supported by taxation, while but 2 per cent attend private schools. There has been a notable increase in the number of public high schools throughout the country; 2,526 were in operation in 1890 which increased to 6,005 in 1900. In the North Atlantic States in 1890 there were 786, and in 1900, 1,448. In the South Atlantic States in 1890 there were but 115 high schools, whereas in 1900 they had increased to 449. The South Central Division of States shows a still greater ratio of increase, their public high schools being 156 in number in 1890 and 675 in 1900; the Western Division of States increased from 91 high schools to 270 in the same period; the North Central Division of States in 1890 and 1900 had more than half of the high

schools in the country, the increase being from 1,376 to 3,163. The enrollment of high-school pupils in 1890 was, in round numbers, 203,000, and in 1900 it had increased to 520,000. Notwithstanding this great increase in the pupils at public high schools, private schools of the same rank as these high schools increased their enrollment during the same period from 94,931 to 110,797.

These facts show a uniform consensus of public opinion throughout the nation in favor of providing secondary education at public cost.

The number of teachers employed in the common schools is reported as follows: Male teachers, 127,529; female teachers, 293,759—a total of 421,288. Number of schoolhouses, 247,321; value of school property, \$538,623,736.

Number of students in colleges and universities is given as follows: Preparatory, 47,658; collegiate, 77,085; graduate, 5,179—total, 129,922. Total income of institutions, \$20,836,488. Students in colleges and seminaries for women which confer degrees: Preparatory, 7,487; collegiate, 15,467; graduate, 411—total, 23,365.

In professional and allied schools, students, 69,234; graduates, 16,948. Medical students, 25,213; graduates, 5,219. Enrollment in special schools (city evening schools, business schools, Indian schools, etc.), 524,531.

The various divisions of the Bureau accomplished a large amount of work during the year. The statistical division sent out 50,277 copies of forms of inquiry during the scholastic year ending June 30, 1901. Twenty-six different schedules were necessary for the collection of the statistics usually tabulated in the office. Statistical returns prepared for tabulating, 26,705; computations made, 42,576. The number of books in the library, June 30, 1901, is reported as 84,676; pamphlets, 135,000; number of books received during the year, 2,804.

EDUCATION IN ALASKA.—During the year 25 public schools have been maintained in Alaska under the immediate supervision of the Commissioner, with 31 teachers and an enrollment of 1,681 pupils. In addition to supporting the above public schools, payment is made of the salaries of 5 teachers in the Sitka industrial school, which has an enrollment of 151.

During the autumn of 1900 an epidemic of pneumonia prevailed through Arctic Alaska, causing many deaths among the native population. In order as far as possible to prevent the starvation of the stricken people the Commander of the Revenue Cutter *Bear*, gave out provisions among the settlements along the shores of Bering Sea, which were distributed by the missionaries, teachers, and officers in that region. At Port Clarence many of the children whose parents had died were gathered into an orphanage established by the teacher. In the spring of 1901 smallpox made its appearance among natives of southeastern Alaska and spread with great rapidity. As a precau-



tionary measure several of the public schools in that section were closed during the prevalence of the disease.

The appropriation of \$30,000, usually made in the sundry civil bill for education in Alaska, which had been continued annually since 1886, was not renewed by the last session of Congress. In lieu thereof, in compliance with the recommendation of the Department, Congress, by an act approved March 3, 1901, amended section 203, Title III, of the "Act making further provisions for a civil government for Alaska" (approved March 3, 1901), by providing that 50 per cent of all license moneys that may hereafter be paid for business carried on outside of incorporated towns in the district of Alaska shall be set aside to be expended, within the discretion and under the direction of the Secretary of the Interior, for school purposes outside incorporated towns in said district.

Detailed reports from the clerks of the several district courts in Alaska as to receipts under this law have not yet been received, and it is not possible to state at present whether the funds received from this source will be sufficient to maintain the Alaska school service on the same footing as heretofore.

During the fiscal year the towns of Nome, Treadwell, Eagle, and Valdez have incorporated, and the schools in those places (and in Skagway, Juneau, and Ketchikan, which had previously incorporated) are now under the care of local authorities.

There has been progress in the reindeer enterprise during the year. The total number of domestic reindeer now in Alaska is 4,166, in nine herds, which are distributed from Point Barrow, in latitude  $71^{\circ} 23'$ , to Eaton Station, near St. Michael, above the mouth of the Yukon River.

The epidemic which prevailed among the natives in northeastern Siberia, bordering on Bering Strait and the Arctic Ocean, during the summer of 1900 made the procuring of reindeer from that region exceedingly difficult. Accordingly it was decided to secure a number of the larger breed of reindeer from the hitherto unvisited coast of Siberia west of the Okhotsk Sea. Lieut. E. P. Bertholf, R. C. S., one of the officers of the revenue cutter *Bear*, was at his request directed to report to the Secretary of the Interior for this service. With the necessary credentials from the State Department to the Russian authorities, Lieutenant Bertholf proceeded to St. Petersburg in order to obtain official sanction of his enterprise. Provided with ample commendations from the Imperial ministry of the interior to the governors-general of Irkutsk and of the Amur region, he left St. Petersburg and proceeded to Moscow. From this city his route lay across European and Asiatic Russia, via the Siberian Railway, to Irkutsk, on Lake Baikal. From Irkutsk he traveled rapidly over the post

roads to Orla, on the shore of Okhotsk Sea, where he purchased a herd of large reindeer, 425 of which he subsequently placed on board a steamer chartered to convey them to Alaska. Owing to a succession of severe gales a number of the deer died en route. On August 28 he arrived at Teller Station, Port Clarence, Alaska, with 254 of these larger animals, which will greatly improve the stock now in Alaska.

**AGRICULTURAL AND MECHANICAL COLLEGES.**—By an act of Congress approved August 30, 1890 (26 Stat. L., 417), an annual appropriation of \$15,000 for the year ending June 30, 1890, and \$1,000 additional for each subsequent year until said annual appropriation amounts to \$25,000, was made "for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts," established in accordance with the provisions of an act of Congress approved July 2, 1862. Said act requires annual reports to be made to the Secretary of the Interior by the treasurers and presidents of the institutions receiving the benefits thereof and imposes upon the Department the duty of ascertaining whether the respective States and Territories are entitled to receive the annual installments of the fund.

During the year the reports from the treasurers of the colleges giving instruction in agriculture and the mechanic arts were carefully examined and the disbursements accounted for therein were found to have been in strict conformity with the law.

Detailed reports from the presidents of the several agricultural and mechanical colleges show a decided increase in instructors, students, property, income, etc., as well as the inauguration of new lines of work. A considerable number have established other courses ranging from four weeks to two years in agricultural and mechanical arts, dairying, domestic science, etc., for the benefit of persons who are not able to take the regular course, and these are well attended. Considerable attention is paid to farmers' institute work, thirty-five of the colleges having participated therein during the past year, thereby aiding in the instruction of many practical farmers.

A notable step has been taken by the Mississippi Agricultural and Mechanical College, the Clemson College of South Carolina, and the North Carolina College of Agriculture and the Mechanic Arts, in the establishment of courses of instruction in textile industry, with special reference to the manufacture of cotton fabrics. Special buildings of cotton-mill design have been erected and equipped for the practical instruction of students.

The statistics for the year ended June 30, 1900 (the latest available), of these institutions show that 25,654 students were enrolled in the agricultural and mechanical departments. Of this number 6,913 were enrolled as preparatory students, leaving 18,741 students in the regular college departments. Of the latter number 5,035 students were

pursuing courses of study in agriculture, 8,341 in the various branches of engineering, 292 in architecture, 1,868 in household economy, 1,167 in veterinary science, 1,215 in dairying, and 823 in other courses of study. The number of students receiving instruction in military drill was 12,800. The Government contributed toward the education of the 25,654 students during the year ended June 30, 1900, at the rate of \$46.78 per student. The total income of the institutions for the year was reported as \$7,111,749. Of this amount \$644,177 was the income received from the land-grant act of July 2, 1862; \$1,200,000 was appropriated by the act of Congress of August 30, 1890; the several States and Territories provided \$2,916,837, and \$2,350,735 was derived from fees, investments, and miscellaneous sources.

The total appropriations to the several States and Territories under the act of August 30, 1890, from the passage of the act up to and including the fiscal year ending June 30, 1902, amount to \$12,802,000.

**PORTO RICO AND THE PHILIPPINE ISLANDS.**—The officers in charge of education in Porto Rico and the Philippine Islands in their reports lay great stress on the schools which they have inaugurated as a means of preparation for local self-government in harmony with our national political ideal.

In view of this national policy, the Commissioner regards it important that provision should be made for the establishment of schools in all places under the United States. He recommends that the Education Office be authorized to provide for schools for Samoa and for Guam and that an appropriation, to be expended under the direction of the Secretary of the Interior, of \$5,000 for each island be made by Congress for the inauguration of the work therein. I commend his recommendation in this matter to your favorable consideration.

## PUBLIC DOCUMENTS.

The report of the chief of the document division of the Department submitted in compliance with the provisions of section 92 of the act approved January 12, 1895, shows that during the last fiscal year publications of the Government were received and distributed by the several offices and bureaus of the Department as follows:

	Received.	Distributed
Office of the Secretary .....	103, 793	141, 16
Patent Office .....	420, 610	390, 47
General Land Office.....	193, 750	173, 83
Pension Office.....	3, 128	7, 24
Office of Indian Affairs.....	8, 754	6, 18
Office of Commissioner of Railroads .....	1, 000	92
Bureau of Education.....	62, 078	70, 28
Geological Survey.....	709, 118	509, 16
Total .....	1, 502, 231	1, 299, 26

Three hundred and seventy-six copies each of volumes 177, 178, 179, and 180, United States Reports, were received from the reporter of the Supreme Court and distributed to judicial and executive officers of the Government, in compliance with the provisions of sections 681 and 583 of the Revised Statutes and of act of February 12, 1897.

The attention of Congress has been repeatedly called to the fact that the number of copies of these reports available for distribution under existing laws was inadequate to supply the United States judges and courts entitled to receive them. Pending action in the premises, additional judges and courts have been authorized by Congress, especially in our new possessions, and if these are to be supplied as their associates have been, which seems but just and proper, it is necessary that Congress at once make provision for this purpose. It is earnestly recommended that this be done at the earliest practicable day.

The General Land Office map of the United States for 1899, on which work was delayed through various causes, was issued during the year. The boundaries of the several territories acquired by the Government through treaties or otherwise, as determined by the latest investigations, are distinctly shown upon this map, as are also, along its lower border, the several islands that have recently come into its possession. Thirty-four thousand five hundred and twenty-five copies of this map have been received from the contractors for the work and distributed as follows: 10,064 to the Senate, 20,190 to the House of Representatives, 985 to the Commissioner of the General Land Office, and the remainder have been disposed of by the Department. Another edition of this map for 1900 is in the hands of the contractors, and there is every reason to believe that the completed copies will be in the hands of the Department for distribution early in 1902.

If a judicious and systematic distribution of this valuable publication could be secured, every high school and all the larger public schools in the country could soon be furnished with at least one copy. Under present methods, however, distributed as it is by three or four separate agencies, duplication and triplication can not be avoided, and thus many parties remain unsupplied who might otherwise secure the work.

In fact, this evil, involving waste in many directions and needless expenditure of public money, attends the distribution of nearly all public documents. The only adequate remedy for this evil is the concentration of the distribution of all publications of the Government in a single office. Such provision alone will make it possible for this important part of the public business to be administered upon sound business principles. Its adoption might readily result in the saving of many thousands of dollars annually to the Government.

The suggestions made relative to this matter in his report by the

chief of the document division are recommended to the consideration of Congress.

The sum of \$3,690.99 was received from the sale of documents during the year by the Office of the Secretary, of which \$1,460 were the proceeds of the sale of United States maps, and \$7,341.04 was received by the United States Geological Survey.

### OFFICE OF RAILROAD AFFAIRS.

The operations for the last fiscal year and the present condition of the several railroad companies which have received subsidies in bonds and lands from the United States, and which come under the provisions of the act of June 19, 1878 (20 Stat., 169), are set forth in the report of the Commissioner of Railroads.

The Commissioner shows that the marvelous and steady increase in railroad traffic over the land-grant and bond-aided roads, as shown in his reports, is a striking evidence of the prosperity of the people, and especially of the growth of the West.

The physical conditions of the roads in question have improved in a fully equal ratio with their great financial increase. Substantial improvements have been made in the main lines, such as the replacement of iron rails by steel, of wooden bridges by steel and iron ones, and of inferior ballast by better sorts.

Attention is invited to statements showing the increase in net earnings of these roads, as also the increase in their gross earnings and expenses, during the last fiscal year. It will be observed that the increase in net earnings amounts to over \$13,000,000 and the increase in gross earnings to \$37,000,000. The increase in expenses is over \$24,000,000. This large increase in expenses is explained by betterments and additions to rolling stock and roadbed, which have been almost universal among the above-mentioned companies, and to increase in the mileage.

Under the head of "Bond-aided roads" the Commissioner sets forth the present state of the indebtedness of these companies to the Government and just what has been done in the process of settlement. The pecuniary interest of the Government in the Union Pacific terminated on November 1, 1897, when the company's debt was settled in full.

Under the head of Central Pacific the Commissioner gives the present status of the company in regard to its debt to the United States, namely, \$58,812,715.48. Under an agreement with the United States, which was given in full in the last report of the Commissioner, this company has bound itself to the payment of 20 promissory notes payable on or before the expiration of each successive six months for ten years, each note being for one-twentieth of the sum of its entire indebtedness, and bearing interest at the rate of 3 per cent per annum.

payable semi-annually. A condition is attached to the effect that if default be made in any payment of either principal or interest of any of said notes, or any part thereof, all of said notes then outstanding, principal and interest, shall immediately become due and payable, notwithstanding any other stipulations of the agreement of settlement. This settlement was made as of the 1st day of February, 1899.

Regarding the Sioux City and Pacific the Commissioner quotes the act passed on June 6, 1900, relative to the indebtedness of this company to the Government, whereby the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States were authorized and empowered to make a settlement of said indebtedness. In pursuance of said legislation the claim of the United States against this road was offered for sale on June 20, 1901, of which full public notice had previously been given. On said date the claim of the United States was bought by the Chicago and Northwestern Railway Company for \$1,872,000 in cash and \$250,841.24, earned by the Sioux City and Pacific Railroad Company by transportation services performed for the Government, but surrendered by the company to be applied to its indebtedness. Under the terms of sale it was agreed that the United States should retain any further amount earned by the road for transportation performed for the Government to the date of sale. The agreement is given in full in the Commissioner's report.

The Central Branch Railway Company is the successor of the Central Branch Union Pacific Railroad Company, having been incorporated July 6, 1899. This road was sold under foreclosure proceedings, brought by the trustees under the first mortgage, for \$2,350,000. This amount covered only the principal of the first-mortgage bonds, so that the United States, holder of the second mortgage, received nothing by way of reimbursement for its claim against the company, amounting to \$3,750,125.13.

In regard to this sale the Attorney-General held that—

While the United States is named as a defendant in the bill of complaint to foreclose the mortgage on the Central Branch Union Pacific Railroad, no subpoena, citation, or other process was served upon it, nor did it appear as a party, and is therefore not barred by said decree of sale and might still redeem the property or cause its resale on account of its subsidy lien.

He holds that one-half of the compensation due from time to time for the services rendered by this company to the Government should be withheld and applied upon the bonds issued by the United States in aid of its construction, notwithstanding the foreclosure and sale of the same.

As all these companies are indebted to the Government for the grants of land made to them, they still come within the jurisdiction of the Railroad Bureau, according to the provisions of the act of June 19,

1878, mentioned above, and are required by said law to report annually and monthly to the Commissioner of Railroads, notwithstanding any settlement which may have been made of their financial indebtedness.

## THE TERRITORIES.

### ALASKA.

The governor of Alaska, John G. Brady, submits an extended report concerning the progress and development of the district of Alaska during the year, embodying a historical statement as to the administration of the affairs in the district from the time of the formal transfer of the lands embraced therein from Russia to this country to the present time, together with the various laws enacted by Congress in relation thereto.

The total population of Alaska, according to the census of 1900, 63,592, of whom 25,536 are natives. The increase in the population during the last census period was 31,540, or 98.4 per cent. The area of Alaska is approximately 590,884 square miles, or about one-sixth of the whole territory of the United States; it embraces numerous lofty mountain chains and valleys, extensive plains, and contains forests of valuable timber. The average number of persons to each 10 square miles is approximately 11. There are four cities of more than 1,000 inhabitants, to wit: Nome, 12,486; Skagway, 3,117; Juneau, 1,864, and Sitka, 1,396.

The permanent settlement of Alaska, the governor states, is dependent upon the enactment of liberal laws by Congress which will enable persons so desiring to acquire title to the public lands. The laws of the United States relating to mining claims have been in force since 1884, and, as a consequence, the extension of the mining industry has been unobstructed and therefore phenomenal in character. The acquiring of title to lands other than of a mineral character is, under the present circumstances, a very difficult matter. A step, however, in the right direction was taken by the passage of an act entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," approved May 14, 1898 (30 Stat. 409). No entries, however, have been made under this law, for the reason that homestead entries can be made only on surveyed lands, and as yet no public surveys have been made in Alaska for homestead purposes.

From the appropriation of \$325,000 for public surveys the sum of \$5,000 was set aside to commence surveys in the district under the direction of the Commissioner of the General Land Office. Bids were invited for the commencement of this work, but owing to the high rates of transportation between the settlements of Alaska, the price

of labor, and the length of time required before payment for their services could be received, the deputy surveyors stated that they could not undertake the work, even at the maximum rate fixed by Congress. To remedy this condition of affairs the governor recommends the repeal of section 1 of the act of May 14, 1898, and urges that the general land laws of the United States be extended to Alaska, so that settlers coming into the country may find laws similar to those enacted in other parts of the Union. He also recommends an appropriation of \$200,000 for public surveys in Alaska, to be expended within the discretion and under the direction of the Secretary of the Interior.

The inauguration of a Territorial form of government in Alaska the governor does not advocate at this time. To do so it would be necessary to provide funds for the running thereof by local taxation, and those who have made a permanent home in the district are too few in number, he states, to bear the burden of such a tax levy. The extension of the general land laws, however, would doubtless attract permanent settlers in large numbers and the formation of a Territorial form of government might follow in due course. The varied and important interests of the district seem to require representation in Congress, and to that end he strongly urges that provision be made for a Delegate from Alaska.

Attention is called to the agricultural possibilities of Alaska. Market gardens are now found near Skagway, Dawson, Eagle, and at other points in central and southern Alaska and along the banks of the great rivers there are vast tracts of arable land. Hay can be cured in the valleys to the north of the Coast Range, but along the southern coast the frequent rains usually render the drying of hay a difficult matter. In this region the silo is used with success. The few agricultural experiment stations in Alaska have demonstrated their usefulness. For the extension of their work the governor recommends that the amount appropriated for their support be increased to \$30,000.

In the opinion of the governor the Alaskan fur trade is doomed to extinction. The sea otter and the fur seal are fast disappearing. The beaver has been driven to the remote districts. The arctic fox, the bear, and the mink seem to be the only fur-bearing animals which are still found in considerable numbers in Alaska. The enacting of a stringent game law by Congress, in order to afford better protection to the moose, caribou, deer, and other large game, is advocated.

The salmon industry is flourishing and the number of canneries rapidly increasing. The pack for the year 1900 was 1,529,569 cases of 12 dozen 1-pound tins to the case, having a market value of more than \$6,000,000; nearly 30,000 barrels were salted. The future success of this industry, it is stated, demands, owing to the enormous quantity of this very valuable food fish being taken, the establishment and operation of salmon hatcheries under the control of the General Gov-



ernment. Large quantities of halibut are taken in southeast Alaska and shipped to ports on Puget Sound, and thence to various parts of the United States in refrigerator cars. Herring, oolachin, and a great variety of other fish, as well as crabs, clams, and cockles, are abundant. As a resource for future development, attention is called to the vast cod banks, aggregating many thousands of square miles of fishing grounds along the shores of Alaska hitherto untouched.

Three hundred thousand dollars has been appropriated by Congress for the construction of light-houses and fog-signal stations in the Alaskan waters. Contracts have been let for the erection of one light-house on the middle island of the Five Fingers in the Stephens Passage, and another on Sentinel Island in Lynn Canal. When these are completed it will render traveling along the rocky shores of the district less dangerous. It would be good public policy to create a light-house district for Alaska, provided with an inspector, suitable tender, and other necessary appliances.

The mining industry has been vigorously prosecuted during the year. The development of the gold fields in the region of Nome has been greatly hampered by litigation. The output from this district for the present season is estimated at \$7,000,000. The mines at the headwaters of the Koyukuk have attracted much attention. The Porcupine and Tanana districts have also been very productive. The operations of the three mining companies on Douglas Island, in southeastern Alaska, have been greatly extended. They now operate 80 stamps. These companies make handsome profits and distribute large sums in wages. The Berners Bay, Snettisham, Rodman Bay, Ketchikan, Windham Bay, Sundum, and Bald Eagle are other well-established quartz mines in southeastern Alaska. The shipments from the mine on Unga Island, in western Alaska, are estimated at \$20,000 per month. Silver and platinum have been found in paying quantities, and there have been allegations of discoveries of tin and cinnabar. Mountains of iron are available, but very little attention is paid to iron on account of the search for gold. Copper mines have been opened upon the shores of Prince William Sound, Prince of Wales Island, and Dall Island.

The governor expresses the opinion that the mining interests in Alaska have become so extensive and valuable as to render advisable the appointment of a commissioner of mines, whose duty would be to exercise general supervision over the mining operations in the district, to protect mining companies against unjust litigation for damages, and to require the companies to conform to regulations prescribed for the protection of miners.

Under the act "making further provision for a civil government for Alaska," approved June 6, 1900 (31 Stat., 321), the incorporated towns of Juneau, Skagway, Ketchikan, and Treadwell have assumed the man-

agement of the public schools within their limits. The appropriation for education in Alaska, which had been made annually since 1886, was discontinued by Congress at its last session. In lieu thereof Congress, upon the recommendation of the Secretary of the Interior, passed an act providing, among other things, for the setting aside for the support of the schools outside incorporated towns in Alaska 50 per cent of all license moneys paid for business carried on outside incorporated towns in said district. Schools are needed in many settlements; these can not be provided until an amount of money sufficient for the purpose has been collected and deposited in the treasury. The clerks of the three district courts are charged with the duty of collecting this license money. One division has reported that of the moneys so collected there is \$11,698.46, available for educational purposes, but no reports have been received from the clerks of the other two divisions. In discussing this matter the governor states:

The person or persons, corporation, or company prosecuting or attempting to prosecute any of the lines of business which are enumerated within this district shall first apply for and obtain license so to do from a district court or a subdivision thereof in said district, and pay for said license the amount for each respective line. This work falls upon the clerks of the courts. He issues the liquor licenses upon the order of the court and receives the money, and is under heavy bonds to the Government. This is a heavy load upon the clerk which is really not in harmony with the duties of his office. Each division of Alaska is a very large territory, and there are some who make no attempt to comply with the law. The clerk has not the time nor the machinery for this business. The collecting of revenue and special taxes belong to the Treasury Department, and this whole business of collecting these licenses and bringing to punishment those who refuse to comply with the law should be transferred to the Commissioner of Internal Revenue. The special taxes are now collected by the officers of this Bureau, and they have the reputation of not missing many who should pay. It is recommended, therefore, that the clerks be relieved of this onerous duty to them, and that it be turned over to the proper officers of the Treasury Department.

The timber of Alaska is an important item of its wealth; the forests are almost tropical in their luxuriance and impenetrableness. The whole under surface of the land is covered with a heavy growth of moss, which holds water like a sponge; large spruce and hemlock grow upon the rocky mountain sides with apparently no soil whatever, and the young timber takes hold and grows very rapidly. Climatic conditions are such that in southeastern Alaska there is but little danger from forest fires. The governor states that there should be applied to this great timber reserve the preservative methods of modern forestry. There have been wanton depredations by people from along the Portland Canal, but the General Land Office has taken this matter in hand and will doubtless be able to stop any further stealing of timber in that direction.

During the autumn and winter of 1900, pneumonia and measles prevailed among the natives on the Aleutian Islands and the shores of

Bering Sea, and it is estimated that fully 2,000 perished. Hitherto the natives have been self-supporting, but of late their domain has been entered by gold seekers and the Eskimo has to face new conditions. He now has many competitors in the pursuit of walrus, whale, and seal, and has a most difficult time in eking out an existence. With a view to preserving the self-supporting condition of the aborigines of Alaska, the governor recommends that a special commission be appointed to make a thorough investigation into the condition of the natives of Alaska for the information of Congress that the latter may apply the proper remedy.

The condition of the native tribes in southeastern Alaska is much more satisfactory. Many of them are employed in the fisheries, mines, sawmills, and logging camps, and some of them successfully conduct business enterprises of their own.

In order to aid the natives of southern Alaska to withstand the diseases which periodically visit them, the governor recommends the appropriation by Congress of a sum sufficient for the establishment and maintenance of a hospital in southeastern Alaska, to be under the care and control of the Marine-Hospital Service.

No declaration has yet been made by Congress regarding the legal status of the natives of Alaska. A bill which was introduced by the chairman of the Committee on Territories at the last session of Congress makes provision for the acquiring of citizenship by the natives of Alaska; a bill with similar provisions should become a law as soon as possible.

Military telegraph lines are now in operation in Alaska between St. Michael and Nulato, Eagle and Dawson; lines are being constructed between Eagle and Valdez, Nulato and Fort Gibbon, and cables have been laid between St. Michael and Nome, Juneau and Skagway. A cable along the shore from southeastern Alaska to Unalaska, on the Aleutian Islands, would be of great importance commercially, and, on account of the commanding position of Unalaska, would be of importance from a strategic point of view. Attention is called to the necessity for communication by cable with the States and the Philippines. Cable communication with the latter should be by way of the above route, as the shortest and commercially the most advantageous one.

The United States Coast and Geodetic Survey completed the construction during the year of two magnetic observatory buildings at Sitka. The purpose of the observatories is to furnish a base or reference station for all magnetic work done in Alaska and to carry on a series of uninterrupted observations by automatic photographic methods, in connection with similar observations of other observatories established elsewhere and observations undertaken by exploring parties in the polar regions.

Many criminals are reported as coming to Alaska. The governor states that the more strictly the laws are enforced in the cities on the lower coast the more surely will the criminal element migrate this way. Those who are now convicted of heinous crimes and sentenced to a term of over one year are transported to McNeil Island, Washington. That prison now contains a pretty large contingent from Alaska. The time has arrived when a penitentiary should be built here, for instead of having fewer criminals we are bound to have a large increase annually and some of them most desperate, such as the man who murdered the three prospectors on Unimak Island last June.

The governor suggests that if an island was selected in Sitka Harbor for a penitentiary, nearly all the labor in its construction might be performed by prisoners who are now held in idleness in the Sitka jail.

On the 16th of January, 1901, with the approval of the Department, a contract was entered into with the board of trustees of the Oregon State Insane Asylum for the care and custody of persons legally adjudged insane in the district of Alaska for the period of one year.

Up to the present time 9 persons have been adjudged insane and have been committed to the above institution; one of these died August 22; another was discharged as cured on July 25.

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Of the more than 72,000,000 acres of land in Arizona but 5,723,757 acres have been appropriated. Only 1,935,327 acres are included in farms, and of this but 254,521 acres are improved.

The importance of irrigation is demonstrated by the fact that irrigated lands outside of Indian reservations aggregate an acreage of 185,396. During the last ten years 545 miles of canals and ditches were constructed, at a cost of \$1,508,469. Of the 5,809 farms in the Territory, 4,210 are irrigated and 1,599 unirrigated. The average value of irrigated land (according to the census figures) is placed at \$43.50 per acre, while that for the best irrigated land, suitable for growing alfalfa, is from \$60 to \$200 per acre. Irrigated fruit land is even more valuable.

Upon the subject of the further development of the agricultural resources of the Territory the governor says:

The problem of water storage for irrigation is the most interesting question before the people of Arizona. All are agreed that upon the storage of the flood waters depends the future development of agriculture in the Territory. While there are millions of acres of Government land open to entry, there is hardly an additional acre that is available until the water supply is increased through storage. The executive office is in constant receipt of inquiries from all parts of the Union as to the opportunities in Arizona for settlers on the public lands. To such inquiries the reply is always made that, practically speaking, all of the land for which there is water available at present has been acquired by settlers, and the only opening for other agriculturists is to buy land already titled. That there are still many inviting opportunities for men of energy and moderate capital is true, for much of the land within reach of water from the canals is held in large bodies and would yield much greater returns if subjected to that thorough cultivation which always attends small holdings in an irrigated country.

The storage problem is twofold: First, it involves increasing the water supply for such canal systems as now carry a deficient volume in the dry season; and, second, a supply sufficiently large and constant to warrant the reclamation of large areas of the so-called desert, or public domain.

That phase of the question which concerns the lands already acquired from the Government is, of course, of more pressing interest to those who hold property in the Territory than is the broad question of the reclamation of the public lands. As explained in my former reports, the returns from agriculture under irrigation have been so remunerative, even under the most adverse conditions of inadequate water, that capital has been led into the construction of canals for which the water normally is not sufficient, and under these canals settlers have acquired lands from the Government and have gone ahead cultivating and improving their possessions so far as possible, although in many instances the land lies uncultivated year after year simply because there is not water for it.

The best illustration of the conditions here referred to is seen in Maricopa County, the principal agricultural county of the Territory. The area of land which has been settled upon under the various canals in Maricopa County will easily aggregate 300,000 acres, while the land actually irrigated each year will not probably amount to more than 130,000 acres, and for much of this area there is, throughout a long season each year, an insufficient volume of water in the ditches. Contending with this uninviting condition, the agriculturists of the county have made a showing which is really phenomenal. Within the county, including Phoenix, there is property of an assessed valuation of approximately \$10,000,000, with an actual valuation much greater than that, and it can be said that nearly all of this wealth has been produced by irrigation. Not only that, but there is probably no other community in the world so uniformly prosperous. Farmers by the score take their families to

the seashore and other pleasure resorts in the vacation season, and the agricultural population generally lives more comfortably and enjoys more luxuries than any other farming people in the United States.

Recognition of these facts, and of the further fact that annually enough water flows to waste in the floods of the Salt River to fully irrigate all of the 300,000 acres under the canals if it were stored, and the knowledge that storage would make the Salt River Valley one of the wealthiest regions in the world, have caused the people of the valley to turn with earnest attention during the past two years to consideration of the storage problem. As explained in the matter dealing with the progress of irrigation in the several counties, Maricopa County is fortunately situated in having near a reservoir site in the Tonto Basin, which offers a ready solution of the question. There is no division of sentiment as to the necessity of constructing the reservoir. The only doubt is as to the best method of accomplishing success. A private corporation having acquired from the Government the necessary rights to the site, has expended a large sum of money in settling the engineering questions involved, and in the effort to safely finance the project.

The difficulties, however, in the way of obtaining the large capital necessary to the construction of a permanently stable dam have been very great. In the first place, any effort to obtain considerable capital in the money centers of the East for industrial enterprises in Arizona encounters an ignorance of the conditions prevailing in the Territory which makes the task a heavy one. It is all the more difficult to enlist capital for water-storage enterprises on account of the mass of questionable data with which the investing public has been supplied. For instance, the leaders in the propaganda of "Government ownership" of all irrigation enterprises of the future have in mistaken zeal industriously circulated statements to the effect that no storage enterprise by individuals or private corporations can be made to yield a profit on the investment. These statements have been based, as I have explained in former reports, on isolated examples in California, which find no parallel whatever in Arizona. The few reservoir projects in California and elsewhere which failed primarily to yield satisfactory returns to stockholders were failures simply because they were carried out without due consideration of the circumstances surrounding them. Due attention had not been given to the water supply, and the fact that an irrigation system for lands vacant at the beginning of construction must necessarily wait a term of years for revenue to flow in from the lands to be irrigated, especially if the lands are given over to slow-maturing fruit orchards. Apparently no appreciation of a different situation in Arizona can be brought home to those who have so willingly accepted the dictum that all further progress in the irrigated regions of the West must await appropriations from the Federal Treasury. Anybody at all familiar with existing conditions in the Salt River Valley knows that if a reservoir were assured, every acre available for cultivation under the reservoir would be in tillage and yielding a revenue the first year in which water was supplied.

It is evident that for the Salt River Valley there is not much encouragement in the movement for construction of reservoirs by the Government, for the reason that it is feared Congress would not be easily persuaded to appropriate money for the benefit of lands already settled, inasmuch as the headway so far made for reservoir construction for the public lands has not reached the point of assured success. But two solutions accordingly appear to offer. The capital required must be provided by a private corporation, alone or assisted by some form of local encouragement, or the construction must be done by the county or a district thereof. Earnest consideration of these points is now engaging the attention of the people of the valley.

There is of course deep interest in the general question of "Government aid" to the people of the West in the matter of storage enterprises. It is insisted by many, and not without reason, it must be confessed, that the Government very properly could extend financial assistance in the reclamation of the arid lands, for the reason



that the expenditure would be for the direct benefit of intending settlers and the outlay ultimately would be returned to the public Treasury.

If Congress could be brought to a favorable consideration of the proposed system, Arizona offers exceptional reasons for beginning the work here. As heretofore explained, and as forcibly pointed out by the Secretary of the Interior, the construction of the proposed dam at San Carlos on the Gila River would settle permanently the question of a water supply for the Indians on the Gila River Reservation, of whom there are more than 4,000 engaged in an attempt to make a living by farming. Unless a system of irrigation is provided for them by the Government they must inevitably become a burdensome charge upon the National Treasury, whereas their capabilities in the way of self-support are altogether satisfactory. Not only would the San Carlos reservoir provide these Indians with a permanent water supply, but many thousands of acres of vacant land would be available for homeseekers. The revenues from the districts thus irrigated, even though based on a very moderate charge for the water service annually, would be sufficiently large to more than pay a good interest on the money necessary to be invested in construction. Complete information as to the cost of the proposed reservoir is within reach of Congress, and it is to be hoped that the coming session will authorize the beginning of the work. No better opportunity could be offered for a trial of the plan of Government construction of reservoirs.

On the general question as to the best method of quickly bringing about the settlement and improvement of the arid lands, I have in no wise receded from the position heretofore taken, namely, that the most practicable course would be through a general cession of the arid lands to the States and Territories in which they lie. Unless it be assumed at the outset that the people are incapable of self-government, there can be no argument whatever against permitting them to take over the public domain and use it as a basis for obtaining capital for the construction of reservoirs. The entire opposition to the suggestion lies in the assumption that the people are essentially corrupt and that the lawmakers whom they would direct to represent them would be perversely dishonest; in the assumption that it would be impossible for Congress to devise a measure which would properly protect the people from spoliation, and finally in the assumption that capital is always dishonest and should have no consideration or encouragement. Happily such inferential arguments are confined to but a few, and have little popularity in Arizona.

The governor states that never in the history of the Territory have the prospects been brighter for the stock raisers of Arizona. Heavy rains have been general, resulting in an abundance of feed on the open ranges, and many sections of the country not generally considered as available cattle range now afford the finest grazing imaginable. Prices during the past year have been good and have yielded handsome profits, while a brisk demand has continuously obtained. Shipments from the Territory have been heavy and have taxed the range men to the utmost to supply the demand. This condition has resulted in an appreciable reduction in the assessed valuations, but has stimulated the importation of fine cattle for stock purposes, thousands of thoroughbreds having been taken into the Territory. The number of cattle returned for taxation was 281,541; of sheep, 377,936. The general health conditions of all classes of live stock are stated to be better than in any other section of the United States. The climate is exceptionally healthful, and a wise system of sanitary laws is strictly enforced under competent supervision.

An increased activity in mining is noted. In every mineral-bearing section of Arizona new mines are being opened and profitably worked. Deep mining is a new and satisfactory feature. Contrary to opinions formerly held, it has been shown that Arizona mines increase in value with depth. In one of the gold mines the main shaft is down 3,200 feet, with values better than ever. Similar experience is the rule with numerous mines. The production of copper is well sustained, and it is claimed for Arizona that it is the most attractive copper region in the world. The total production of electrolytic copper in the Territory in 1900 was 466,992,663 pounds. The output for this year is estimated at fully as much. The value of the copper product for 1900 is elsewhere estimated at \$17,286,517.

Manufacturing in the Territory is confined mainly to industries closely connected with mining. In miscellaneous manufactures, aside from those related to the production of metals, 1,648 wage-earners are employed.

The number of Indians is fixed at 26,480, a decrease of 1,989 since the census of 1890. All the Indians have been peaceable, and in all the tribes a satisfactory progress in civilization is noted. The Indian school at Phoenix, which is one of the largest in the United States, is an important factor in improving the general conditions. The governor states that, among other things, the tribes occupying these reservations in the Territory are not—

pastoral in their customs. Otherwise these reservations would maintain several hundred thousand cattle and sheep, which, if properly managed, would make the Indians practically self-supporting. I believe that a further maintenance of the tribal relations as now conducted and the retention of reservation agencies, around which the Indians cluster and live in idleness upon rations issued by the Government, most seriously retard the civilization of the Indian. The great expense of maintaining the present system can also, in my judgment, be greatly reduced. If, in making farmers of the Indians after lands have been allotted, it is found beneficial to aid them with farm implements and seed and reduced rations for a time until they are fairly started, it should be done, and I consider it entirely wise and proper for the Government to build reservoirs for the storage of water for irrigation in suitable localities, with canals leading to the allotted lands, and for this purpose Indian labor could be very largely utilized.

But the lands that are not agricultural on these reservations—mineral, grazing, and timber—are of no use whatever to the Indians, and if opened to purchase and settlement they would support a very considerable population and go far in enriching the country.

Every session of Congress bills are introduced to segregate a portion of some Indian reservation where valuable mineral has been discovered, so that mining can be engaged in, or for some other purpose, and this kind of legislation has been in most cases vigorously opposed by the friends of the Indians through misapprehension of the facts and from an honest but mistaken idea as to the effect.

I can see no possible benefit in withholding these large areas, capable of producing great wealth and supporting many people, from being developed and contributing to the wealth of the country, especially as they do not benefit the Indian in the slightest degree in their present condition. It is true that the building of the railroad

across the San Carlos Reservation did more to civilize and restrain the Apaches than any previous influence. They have been given more employment, and intermingling with the white people has benefited them.

The labor supply of the Territory is said to be fairly up to the demand, as a rule, although in a number of instances during the year mine operators have found difficulty in obtaining a sufficient number of skilled miners. The mining districts are always tempting to enterprising prospectors, and many miners are in the habit of dividing their time between employment under others and work for themselves. There is no perceptible excess of laborers in any industry, although, it is explained, skilled laborers are always most in demand. It may be said with certainty that no able-bodied man need be idle in Arizona if he is willing to accept hard work. In the lighter employments, such as clerkships in stores and offices, the supply in Arizona, as elsewhere, is always equal to the demand. At Phoenix and other points it is at times in excess of the demand. This is because such a large number of persons go to the Territory in search of health, and are willing to do any work which will yield a living. There have been no labor disturbances of consequence.

The governor, in closing his report, recommends that Arizona be admitted as a State; that all the public lands within the Territory be ceded to the Territory or State; that until the lands are ceded authority be granted to the Territory to lease the grazing lands; that all lands within the Territory be surveyed; that a Government assay office and branch mint be established in Arizona; that an appropriation be had for artesian-water exploration within the Territory, and that such exploration be ordered; that the Government proceed with the construction of the proposed reservoir dam near San Carlos, on the Gila River, and that a commission be appointed for ethnological and archaeological research in the Territory, and that a suitable appropriation be made by Congress therefor.

#### HAWAII.

The annual report of the Territory, submitted by the secretary, Henry E. Cooper, who was acting governor during the period of disability of Governor Sanford B. Dole, which extended from May 11, 1901, to August 30, 1901, gives an extended review of the conditions prevailing during the year, and shows that the islands are in a fairly prosperous condition.

The total population of the islands is stated in the last annual report to have been, approximately, 154,201. Final revision of the census returns, however, shows the total population to be 153,727. There has been a decided increase in the number of American-born residents; in 1872 there were 889; in 1896, 2,266; in 1900, 4,068. The returns indicate a continued decrease in the number of Hawaiians and part

Hawaiians. Several causes are assigned for this diminution. In 1872 there were 49,444 Hawaiians, and in 1900 there were but 29,834.

The annual death rate for the city of Honolulu per thousand for the year 1900 was: Hawaiian, 42.81; Chinese, 16.16; Portuguese, 19.09; Japanese, 28.93; all other nationalities, 13.75.

The present aggregate area of the public lands is approximately 1,772,713 acres, valued at \$3,569,800. The public lands of the Territory include all of the class formerly designated as "Crown" lands together with that formerly known as "Government" lands. When Kamehameha III consented to a division of the lands which had been previously held absolutely by the sovereigns of the country, he gave a part to the chiefs and people and a portion for the support of the Government, and the remainder he reserved for his own private use. These reserved lands were designated as "Crown" lands.

Article 95 of the constitution of the Republic of Hawaii declared the "Crown" lands to be the property of the Hawaiian Government. The land act of 1895, passed by the legislature of the Republic, consolidated the Crown lands with the Government lands under the general term of "public lands." These two classes of lands now constitute the public domain of Hawaii. Maps are submitted with the report, showing the size and location of all the principal lands comprising the public domain, accompanied by a statement giving the name of each island, the area and general characteristics, the outstanding leases, if any, annual rental, and date of expiration of leases. A great majority of the principal lands are under lease, many of them for long terms, which do not expire for several years. A synopsis of the land laws of the Territory, which have been continued in force by the organic act, are given, and it is pointed out that owing to local conditions the application of the general land laws of the United States would not be advantageous, and that the present laws are just and adequate for the purpose of opening the lands for settlement. Lists are also given showing the city and town lots under lease, land transactions, and patents issued during the last year.

The commerce of the Territory seems to be on the increase; although shipments to the mainland can no longer be classed as exports, the figures are given, as showing the output of the islands. Complaint is made that since June 14, 1900, the date Hawaii became an organized Territory, it has been difficult to collect statistics of the amount of trade between the mainland and the islands, because no entry of goods has been required when either shipped to or from the mainland; the collector of the port of Honolulu, however, has been able to furnish a statement of the quantity and value of goods shipped, which shows the total for the period to be \$28,054,430.43.

From various sources of information, and a comparison with the amount of imports from the United States in previous years, the value

Bering Sea, and it is estimated that fully 2,000 perished. Hitherto the natives have been self-supporting, but of late their domain has been entered by gold seekers and the Eskimo has to face new conditions. He now has many competitors in the pursuit of walrus, whale, and seal, and has a most difficult time in eking out an existence. With a view to preserving the self-supporting condition of the aborigines of Alaska, the governor recommends that a special commission be appointed to make a thorough investigation into the condition of the natives of Alaska for the information of Congress that the latter may apply the proper remedy.

The condition of the native tribes in southeastern Alaska is much more satisfactory. Many of them are employed in the fisheries, mines, sawmills, and logging camps, and some of them successfully conduct business enterprises of their own.

In order to aid the natives of southern Alaska to withstand the diseases which periodically visit them, the governor recommends the appropriation by Congress of a sum sufficient for the establishment and maintenance of a hospital in southeastern Alaska, to be under the care and control of the Marine-Hospital Service.

No declaration has yet been made by Congress regarding the legal status of the natives of Alaska. A bill which was introduced by the chairman of the Committee on Territories at the last session of Congress makes provision for the acquiring of citizenship by the native of Alaska; a bill with similar provisions should become a law as soon as possible.

Military telegraph lines are now in operation in Alaska between St. Michael and Nulato, Eagle and Dawson; lines are being constructed between Eagle and Valdez, Nulato and Fort Gibbon, and cables have been laid between St. Michael and Nome, Juneau and Skagway. A cable along the shore from southeastern Alaska to Unalaska, on the Aleutian Islands, would be of great importance commercially, and, on account of the commanding position of Unalaska, would be of importance from a strategic point of view. Attention is called to the necessity for communication by cable with the States and the Philippines. Cable communication with the latter should be by way of the above route, as the shortest and commercially the most advantageous one.

The United States Coast and Geodetic Survey completed the construction during the year of two magnetic observatory buildings at Sitka. The purpose of the observatories is to furnish a base or reference station for all magnetic work done in Alaska and to carry on a series of uninterrupted observations by automatic photographic methods, in connection with similar observations of other observatories established elsewhere and observations undertaken by exploring parties in the polar regions.

Many criminals are reported as coming to Alaska. The governor states that the more strictly the laws are enforced in the cities on the lower coast the more surely will the criminal element migrate this way. Those who are now convicted of heinous crimes and sentenced to a term of over one year are transported to McNeil Island, Washington. That prison now contains a pretty large contingent from Alaska. The time has arrived when a penitentiary should be built here, for instead of having fewer criminals we are bound to have a large increase annually and some of them most desperate, such as the man who murdered the three prospectors on Unimak Island last June.

The governor suggests that if an island was selected in Sitka Harbor for a penitentiary, nearly all the labor in its construction might be performed by prisoners who are now held in idleness in the Sitka jail.

On the 16th of January, 1901, with the approval of the Department, a contract was entered into with the board of trustees of the Oregon State Insane Asylum for the care and custody of persons legally adjudged insane in the district of Alaska for the period of one year.

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Railroad construction during the year has been active. A number of branch lines have been built, including the completion of a line to the Grand Canyon of the Colorado. The governor states that within the next twelve months a number of new and important lines will be under construction.

The banks of the Territory are in a prosperous condition. On the 30th day of last June the deposits in national and Territorial banks aggregated \$6,225,480, a gain of \$1,432,175.16 for the year. The loans and discounts amounted to \$3,631,060. The capital and surplus and undivided profits of the 7 national banks amounted to \$645,952; of the 16 Territorial banks, \$622,486. There are 6 building and loan associations, with aggregate resources of \$588,369.45, a gain of \$91,350.51.

Of the more than 72,000,000 acres of land in Arizona but 5,723,757 acres have been appropriated. Only 1,935,327 acres are included in farms, and of this but 254,521 acres are improved.



The importance of irrigation is demonstrated by the fact that irrigated lands outside of Indian reservations aggregate an acreage of 185,396. During the last ten years 545 miles of canals and ditches were constructed, at a cost of \$1,508,469. Of the 5,809 farms in the Territory, 4,210 are irrigated and 1,599 unirrigated. The average value of irrigated land (according to the census figures) is placed at \$43.50 per acre, while that for the best irrigated land, suitable for growing alfalfa, is from \$60 to \$200 per acre. Irrigated fruit land is even more valuable.

Upon the subject of the further development of the agricultural resources of the Territory the governor says:

The problem of water storage for irrigation is the most interesting question before the people of Arizona. All are agreed that upon the storage of the flood waters depends the future development of agriculture in the Territory. While there are millions of acres of Government land open to entry, there is hardly an additional acre that is available until the water supply is increased through storage. The executive office is in constant receipt of inquiries from all parts of the Union as to the opportunities in Arizona for settlers on the public lands. To such inquiries the reply is always made that, practically speaking, all of the land for which there is water available at present has been acquired by settlers, and the only opening for other agriculturists is to buy land already titled. That there are still many inviting opportunities for men of energy and moderate capital is true, for much of the land within reach of water from the canals is held in large bodies and would yield much greater returns if subjected to that thorough cultivation which always attends small holdings in an irrigated country.

The storage problem is twofold: First, it involves increasing the water supply for such canal systems as now carry a deficient volume in the dry season; and, second, a supply sufficiently large and constant to warrant the reclamation of large areas of the so-called desert, or public domain.

That phase of the question which concerns the lands already acquired from the Government is, of course, of more pressing interest to those who hold property in the Territory than is the broad question of the reclamation of the public lands. As explained in my former reports, the returns from agriculture under irrigation have been so remunerative, even under the most adverse conditions of inadequate water, that capital has been led into the construction of canals for which the water normally is not sufficient, and under these canals settlers have acquired lands from the Government and have gone ahead cultivating and improving their possessions so far as possible, although in many instances the land lies uncultivated year after year simply because there is not water for it.

The best illustration of the conditions here referred to is seen in Maricopa County, the principal agricultural county of the Territory. The area of land which has been settled upon under the various canals in Maricopa County will easily aggregate 300,000 acres, while the land actually irrigated each year will not probably amount to more than 130,000 acres, and for much of this area there is, throughout a long season each year, an insufficient volume of water in the ditches. Contending with this uninviting condition, the agriculturists of the county have made a showing which is really phenomenal. Within the county, including Phoenix, there is property of an assessed valuation of approximately \$10,000,000, with an actual valuation much greater than that, and it can be said that nearly all of this wealth has been produced by irrigation. Not only that, but there is probably no other community in the world so uniformly prosperous. Farmers by the score take their families

the seashore and other pleasure resorts in the vacation season, and the agricultural population generally lives more comfortably and enjoys more luxuries than any other farming people in the United States.

Recognition of these facts, and of the further fact that annually enough water flows to waste in the floods of the Salt River to fully irrigate all of the 300,000 acres under the canals if it were stored, and the knowledge that storage would make the Salt River Valley one of the wealthiest regions in the world, have caused the people of the valley to turn with earnest attention during the past two years to consideration of the storage problem. As explained in the matter dealing with the progress of irrigation in the several counties, Maricopa County is fortunately situated in having near a reservoir site in the Tonto Basin, which offers a ready solution of the question. There is no division of sentiment as to the necessity of constructing the reservoir. The only doubt is as to the best method of accomplishing success. A private corporation having acquired from the Government the necessary rights to the site, has expended a large sum of money in settling the engineering questions involved, and in the effort to safely finance the project.

The difficulties, however, in the way of obtaining the large capital necessary to the construction of a permanently stable dam have been very great. In the first place, any effort to obtain considerable capital in the money centers of the East for industrial enterprises in Arizona encounters an ignorance of the conditions prevailing in the Territory which makes the task a heavy one. It is all the more difficult to enlist capital for water-storage enterprises on account of the mass of questionable data with which the investing public has been supplied. For instance, the leaders in the propaganda of "Government ownership" of all irrigation enterprises of the future have in mistaken zeal industriously circulated statements to the effect that no storage enterprise by individuals or private corporations can be made to yield a profit on the investment. These statements have been based, as I have explained in former reports, on isolated examples in California, which find no parallel whatever in Arizona. The few reservoir projects in California and elsewhere which failed primarily to yield satisfactory returns to stockholders were failures simply because they were carried out without due consideration of the circumstances surrounding them. Due attention had not been given to the water supply, and the fact that an irrigation system for lands vacant at the beginning of construction must necessarily wait a term of years for revenue to flow in from the lands to be irrigated, especially if the lands are given over to slow-maturing fruit orchards. Apparently no appreciation of a different situation in Arizona can be brought home to those who have so willingly accepted the dictum that all further progress in the irrigated regions of the West must await appropriations from the Federal Treasury. Anybody at all familiar with existing conditions in the Salt River Valley knows that if a reservoir were assured, every acre available for cultivation under the reservoir would be in tillage and yielding a revenue the first year in which water was supplied.

It is evident that for the Salt River Valley there is not much encouragement in the movement for construction of reservoirs by the Government, for the reason that it is feared Congress would not be easily persuaded to appropriate money for the benefit of lands already settled, inasmuch as the headway so far made for reservoir construction for the public lands has not reached the point of assured success. But two solutions accordingly appear to offer. The capital required must be provided by a private corporation, alone or assisted by some form of local encouragement, or the construction must be done by the county or a district thereof. Earnest consideration of these points is now engaging the attention of the people of the valley.

There is of course deep interest in the general question of "Government aid" to the people of the West in the matter of storage enterprises. It is insisted by many, and not without reason, it must be confessed, that the Government very properly could extend financial assistance in the reclamation of the arid lands, for the reason

that the expenditure would be for the direct benefit of intending settlers and the outlay ultimately would be returned to the public Treasury.

If Congress could be brought to a favorable consideration of the proposed system, Arizona offers exceptional reasons for beginning the work here. As heretofore explained, and as forcibly pointed out by the Secretary of the Interior, the construction of the proposed dam at San Carlos on the Gila River would settle permanently the question of a water supply for the Indians on the Gila River Reservation, of whom there are more than 4,000 engaged in an attempt to make a living by farming. Unless a system of irrigation is provided for them by the Government they must inevitably become a burdensome charge upon the National Treasury, whereas their capabilities in the way of self-support are altogether satisfactory. Not only would the San Carlos reservoir provide these Indians with a permanent water supply, but many thousands of acres of vacant land would be available for homeseekers. The revenues from the districts thus irrigated, even though based on a very moderate charge for the water service annually, would be sufficiently large to more than pay a good interest on the money necessary to be invested in construction. Complete information as to the cost of the proposed reservoir is within reach of Congress, and it is to be hoped that the coming session will authorize the beginning of the work. No better opportunity could be offered for a trial of the plan of Government construction of reservoirs.

On the general question as to the best method of quickly bringing about the settlement and improvement of the arid lands, I have in no wise receded from the position heretofore taken, namely, that the most practicable course would be through a general cession of the arid lands to the States and Territories in which they lie. Unless it be assumed at the outset that the people are incapable of self-government, there can be no argument whatever against permitting them to take over the public domain and use it as a basis for obtaining capital for the construction of reservoirs. The entire opposition to the suggestion lies in the assumption that the people are essentially corrupt and that the lawmakers whom they would direct to represent them would be perversely dishonest; in the assumption that it would be impossible for Congress to devise a measure which would properly protect the people from spoliation, and finally in the assumption that capital is always dishonest and should have no consideration or encouragement. Happily such inferential arguments are confined to but a few, and have little popularity in Arizona.

The governor states that never in the history of the Territory have the prospects been brighter for the stock raisers of Arizona. Heavy rains have been general, resulting in an abundance of feed on the open ranges, and many sections of the country not generally considered as available cattle range now afford the finest grazing imaginable. Prices during the past year have been good and have yielded handsome profits, while a brisk demand has continuously obtained. Shipments from the Territory have been heavy and have taxed the range men to the utmost to supply the demand. This condition has resulted in an appreciable reduction in the assessed valuations, but has stimulated the importation of fine cattle for stock purposes, thousands of thoroughbreds having been taken into the Territory. The number of cattle returned for taxation was 281,541; of sheep, 377,936. The general health conditions of all classes of live stock are stated to be better than in any other section of the United States. The climate is exceptionally healthful, and a wise system of sanitary laws is strictly enforced under competent supervision.

An increased activity in mining is noted. In every mineral-bearing section of Arizona new mines are being opened and profitably worked. Deep mining is a new and satisfactory feature. Contrary to opinions formerly held, it has been shown that Arizona mines increase in value with depth. In one of the gold mines the main shaft is down 3,200 feet, with values better than ever. Similar experience is the rule with numerous mines. The production of copper is well sustained, and it is claimed for Arizona that it is the most attractive copper region in the world. The total production of electrolytic copper in the Territory in 1900 was 466,992,663 pounds. The output for this year is estimated at fully as much. The value of the copper product for 1900 is elsewhere estimated at \$17,286,517.

Manufacturing in the Territory is confined mainly to industries closely connected with mining. In miscellaneous manufactures, aside from those related to the production of metals, 1,648 wage-earners are employed.

The number of Indians is fixed at 26,480, a decrease of 1,989 since the census of 1890. All the Indians have been peaceable, and in all the tribes a satisfactory progress in civilization is noted. The Indian school at Phoenix, which is one of the largest in the United States, is an important factor in improving the general conditions. The governor states that, among other things, the tribes occupying these reservations in the Territory are not—

pastoral in their customs. Otherwise these reservations would maintain several hundred thousand cattle and sheep, which, if properly managed, would make the Indians practically self-supporting. I believe that a further maintenance of the tribal relations as now conducted and the retention of reservation agencies, around which the Indians cluster and live in idleness upon rations issued by the Government, most seriously retard the civilization of the Indian. The great expense of maintaining the present system can also, in my judgment, be greatly reduced. If, in making farmers of the Indians after lands have been allotted, it is found beneficial to aid them with farm implements and seed and reduced rations for a time until they are fairly started, it should be done, and I consider it entirely wise and proper for the Government to build reservoirs for the storage of water for irrigation in suitable localities, with canals leading to the allotted lands, and for this purpose Indian labor could be very largely utilized.

But the lands that are not agricultural on these reservations—mineral, grazing, and timber—are of no use whatever to the Indians, and if opened to purchase and settlement they would support a very considerable population and go far in enriching the country.

Every session of Congress bills are introduced to segregate a portion of some Indian reservation where valuable mineral has been discovered, so that mining can be engaged in, or for some other purpose, and this kind of legislation has been in most cases vigorously opposed by the friends of the Indians through misapprehension of the facts and from an honest but mistaken idea as to the effect.

I can see no possible benefit in withholding these large areas, capable of producing great wealth and supporting many people, from being developed and contributing to the wealth of the country, especially as they do not benefit the Indian in the slightest degree in their present condition. It is true that the building of the railroad

across the San Carlos Reservation did more to civilize and restrain the Apaches than any previous influence. They have been given more employment, and intermingling with the white people has benefited them.

The labor supply of the Territory is said to be fairly up to the demand, as a rule, although in a number of instances during the year mine operators have found difficulty in obtaining a sufficient number of skilled miners. The mining districts are always tempting to enterprising prospectors, and many miners are in the habit of dividing their time between employment under others and work for themselves. There is no perceptible excess of laborers in any industry, although, it is explained, skilled laborers are always most in demand. It may be said with certainty that no able-bodied man need be idle in Arizona if he is willing to accept hard work. In the lighter employments, such as clerkships in stores and offices, the supply in Arizona, as elsewhere, is always equal to the demand. At Phoenix and other points it is at times in excess of the demand. This is because such a large number of persons go to the Territory in search of health, and are willing to do any work which will yield a living. There have been no labor disturbances of consequence.

The governor, in closing his report, recommends that Arizona be admitted as a State; that all the public lands within the Territory be ceded to the Territory or State; that until the lands are ceded authority be granted to the Territory to lease the grazing lands; that all lands within the Territory be surveyed; that a Government assay office and branch mint be established in Arizona; that an appropriation be had for artesian-water exploration within the Territory, and that such exploration be ordered; that the Government proceed with the construction of the proposed reservoir dam near San Carlos, on the Gila River, and that a commission be appointed for ethnological and archaeological research in the Territory, and that a suitable appropriation be made by Congress therefor.

#### HAWAII.

The annual report of the Territory, submitted by the secretary, Henry E. Cooper, who was acting governor during the period of disability of Governor Sanford B. Dole, which extended from May 11, 1901, to August 30, 1901, gives an extended review of the conditions prevailing during the year, and shows that the islands are in a fairly prosperous condition.

The total population of the islands is stated in the last annual report to have been, approximately, 154,201. Final revision of the census returns, however, shows the total population to be 153,727. There has been a decided increase in the number of American-born residents; in 1872 there were 889; in 1896, 2,266; in 1900, 4,068. The returns indicate a continued decrease in the number of Hawaiians and part

Hawaiians. Several causes are assigned for this diminution. In 1872 there were 49,444 Hawaiians, and in 1900 there were but 29,834.

The annual death rate for the city of Honolulu per thousand for the year 1900 was: Hawaiian, 42.81; Chinese, 16.16; Portuguese, 19.09; Japanese, 28.93; all other nationalities, 13.75.

The present aggregate area of the public lands is approximately 1,772,713 acres, valued at \$3,569,800. The public lands of the Territory include all of the class formerly designated as "Crown" lands together with that formerly known as "Government" lands. When Kamehameha III consented to a division of the lands which had been previously held absolutely by the sovereigns of the country, he gave a part to the chiefs and people and a portion for the support of the Government, and the remainder he reserved for his own private use. These reserved lands were designated as "Crown" lands.

Article 95 of the constitution of the Republic of Hawaii declared the "Crown" lands to be the property of the Hawaiian Government. The land act of 1895, passed by the legislature of the Republic, consolidated the Crown lands with the Government lands under the general term of "public lands." These two classes of lands now constitute the public domain of Hawaii. Maps are submitted with the report, showing the size and location of all the principal lands comprising the public domain, accompanied by a statement giving the name of each island, the area and general characteristics, the outstanding leases, if any, annual rental, and date of expiration of leases. A great majority of the principal lands are under lease, many of them for long terms, which do not expire for several years. A synopsis of the land laws of the Territory, which have been continued in force by the organic act, are given, and it is pointed out that owing to local conditions the application of the general land laws of the United States would not be advantageous, and that the present laws are just and adequate for the purpose of opening the lands for settlement. Lists are also given showing the city and town lots under lease, land transactions, and patents issued during the last year.

The commerce of the Territory seems to be on the increase; although shipments to the mainland can no longer be classed as exports, the figures are given, as showing the output of the islands. Complaint is made that since June 14, 1900, the date Hawaii became an organized Territory, it has been difficult to collect statistics of the amount of trade between the mainland and the islands, because no entry of goods has been required when either shipped to or from the mainland; the collector of the port of Honolulu, however, has been able to furnish a statement of the quantity and value of goods shipped, which shows the total for the period to be \$28,054,430.43.

From various sources of information, and a comparison with the amount of imports from the United States in previous years, the value

of general merchandise and plantation supplies purchased on the mainland is placed at \$20,000,000.

During the year 662 vessels entered the ports of Honolulu and Hilo: statistics are not given for the other ports of entry. The nationality and class of vessels arriving at the port of Honolulu were as follows:

American:

Steamers.....	82
National vessels .....	54
Sailing vessels.....	331
Total .....	467

British:

Steamers.....	59
National vessels .....	3
Sailing vessels.....	21
Total .....	83

German:

Steamers.....	1
National vessel .....	1
Sailing vessels.....	1
Total .....	10

Norwegian:

Steamers.....	2
Sailing vessels.....	5
Total .....	7

French: Sailing vessels .....

Japanese: Steamers.....

Italian: Sailing vessels.....

Chilean: National vessel .....

Austrian: National vessel .....

At the port of Hilo:

American:

Steamers.....	3
National vessel .....	3
Sailing vessels.....	3
Total .....	9

British:

National vessel.....	1
Sailing vessel.....	1
Total .....	2

Greater harbor facilities, it is stated, are needed at the ports of Honolulu and Hilo, as vessels are often detained far beyond the time specified in their charters.

The principal sources of revenue for government of the islands are from taxes levied upon real and personal property; taxes upon income.

sale of Territorial internal-revenue stamps, license fees, penalties, and costs in civil and criminal actions, inheritance taxes, rates from water-works and rents from land, and proceeds from land sales. Taxes levied upon real and personal property are limited to 1 per cent upon the assessed value, and the income tax is fixed at 2 per cent upon the net profit or income of all persons residing in the Territory over and above \$1,000. A similar tax is levied upon the income of all corporations, without, however, giving the benefit of the \$1,000 exemption. The assessed value of all real estate is \$58,547,890 and personal property \$62,625,038; total, \$121,172,928.

Estimated receipts from all sources for the present fiscal year is \$2,565,500. The Territorial appropriation for salaries and pay rolls for the biennial period ending June 30, 1903, is \$2,149,813.50, and for current expenses \$3,523,530.53. This last amount is expended for the general running expenses of the government, repairs to public buildings and public roads, and for the erection and construction of minor public improvements.

During the prevalence of the bubonic plague in the city of Honolulu in the months of December, 1899, and January and February, 1900, the board of health, after many futile efforts to place that portion of the city known as Chinatown in a sanitary condition, became convinced that extraordinary measures would have to be adopted if the disease was to be brought under control, and decided that the only speedy way of solving the problem was to destroy by fire such buildings as could not be satisfactorily renovated and which had been declared to be infected by a plague, and a number of buildings were destroyed by fire. In attempting to burn a block of condemned buildings on January 20 the fire department lost control of the fire, owing to a sudden and violent change of wind, resulting in the destruction of the entire district. To relieve the distress occasioned by this unfortunate event, the executive of the Territory has endeavored to have the losses determined, with the intention of ultimate settlement and payment.

Under the authority of an act passed by the Territorial legislature, a commission was appointed for the reception and determination of these claims. Six thousand and eighty-two claims, aggregating \$2,472,451.83, have been filed and are now in process of adjustment. The legislature of the Territory appropriated \$1,500,000 for the payment of adjudicated claims, the amount to be distributed over a period of three years at the rate not to exceed \$500,000 per annum. Attention is called to the fact that expenses were also incurred in eradicating the plague amounting to \$720,488.07. In view of the fact that this heavy financial burden has been placed on the Territory, the suggestion is made that some relief be granted, and that Congress author-



ize the retention of the custom-house receipts by the Territory for the purpose of paying such sums as may be awarded by the commission.

Attention is called to the scarcity of unskilled labor necessary for carrying on work on the plantations. It is asserted that unless some means are devised whereby an ample supply of desirable labor can be obtained that great hardship will follow, which will result in severe financial loss to all. It is argued that the working of a large number of Chinese and Japanese by the planters does not interfere with American skilled or unskilled labor; on the contrary, if the successful and economical cultivation of the principal crop shall continue it means that millions of dollars will be spent for machinery, building materials, tools, steel and iron, and other supplies of American manufacture.

The amount of such purchases for this year are placed at \$20,000,000. If, however, the sugar industry is allowed to decline by reason of insufficient number of unskilled laborers, there will be no money to be spent in trade. Since the annexation of the islands to the territory of the United States the immigration of unskilled laborers has practically ceased, while the Japanese and Chinese have been continuously returning to their native countries. Under the laws of the Republic Chinese were allowed to enter the country for a limited number of years upon the express condition that they engage only in agricultural pursuits. The present laws prohibit Chinese who are residents of the Territory from entering any part of the mainland. The governor, however, suggests that in his judgment a limited number may be safely admitted to the Territory for the purpose of working on the sugar and rice plantations, and that such immigration would not interfere with the labor conditions on the mainland.

The result of the first Territorial election was an overwhelming victory for the Home-Rule party. They elected their delegates to the Fifty-sixth and Fifty-seventh Congresses, and 9 out of 15 senators and 22 representatives out of a total of 30, the remaining members of the legislature being divided between the Republicans and the Democrats. The total registration of voters were 11,218; total number of votes cast, 10,163.

For the home seeker, and particularly those who appreciate life freed from its more rigid conventionalities, Hawaii presents many attractions. Social and educational advantages compare favorably with the best communities on the mainland. The climatic conditions are excellent, no extremes of heat or cold being ever experienced. Immigrants of a satisfactory class are desirable, but it is a question as to what a man of small means can do on the islands in the way of agriculture. Experiments in the working of small tracts of land by individuals have been made, but without any definite results. The growing of fruits of the temperate zone has never been systematically attempted. Citrus fruits, however, do well in many of the districts, but no large

tracts have been devoted to their culture, the amount supplied coming from trees that grow at random. The culture of the pineapple is quite extensive and large yields are made from small acreage. The cultivation of coffee by persons of small means has proved unprofitable, owing to the low prices obtained for the product and the high rate of wages prevailing.

The raising of live stock has received new life during the past two years owing to the great advance in the prices of meat. Many importations of improved grades have been made, and much capital is being invested in the enterprise. The local industry is not able to supply the meat required for consumption. Large importations of fresh meat, poultry, and fish are made, principally from California.

Attention is called to the want of protection for the food fishes of the Territory. Owing to the present methods in use by the fishermen the presence of the agent of the Fish Commissioner is asked for, and that restrictive measures be put in force at an early date.

During the monarchical régime \$1,000,000 in silver coin was authorized. These coins were of equal weight and fineness of the corresponding coins of the United States. It is difficult to estimate how much is still in circulation as it is evident that a very considerable number of coins of all denominations have been used by jewelers and taken away by tourists. The authorization for the conversion of all Hawaiian coin into corresponding coin of the United States is asked for.

The construction of a submarine telegraph cable to the island is stated to be a great necessity. The large fleet of national and merchant vessels constantly calling at the ports of the islands are often placed at great inconvenience and serious loss by the absence of cable communication. It is never less than twelve and often twenty days before an answer can be received by mail, which is a great drawback to the commercial interests of the Territory.

The Marconi system of wireless telegraphy is in successful operation between Honolulu and the islands of Maui, Molokai, Lanai, and Hawaii. A message from Honolulu to Hilo goes by wire to Waianae, on the Island of Ahualoa, thence across the channel to Molokai, 28 miles; thence to Lanai, 30 miles; thence to Mahukona, Island of Hawaii, 78 miles; thence by telephone 60 miles. The poles of the highest stations range from 120 to 175 feet in height above sea level. The telephone system is of very general use in the city of Honolulu, there being 1,257 telephones connected by 1,600 miles of wire and  $4\frac{1}{2}$  miles of cable. The rates charged are \$4 per month for business telephones, \$3.50 for residence telephones, and \$7.50 for country lines.

The Hilo Railway Company has constructed its track for a distance of 24 miles from the east side of the Hilo Harbor to Kapoho, in the district of Puna. Seventeen miles of the company's line is now under process of construction through the lands of Keeau and Olaa. The

railroad is of standard gauge, the rails weighing 60 pounds per yard. The equipment consists of 2 Baldwin locomotives, 40-ton freight cars, 10.30-ton freight cars, and 4 passenger cars. The company is equipped with machine shop, foundry, and woodworking shops.

The line of the Kohala and Hilo Railroad Company has been surveyed from the city of Hilo, via Hakalau and Waimea, to the port of Mahukona, in the district of North Kohala, a distance of 99 $\frac{1}{4}$  miles. The area contiguous to this line of railroad now under successful cultivation is about 60,000 acres. The estimated cost of construction and equipment of the road is placed at \$3,000,000.

The Hilo Railway Company, chartered May 28, 1899, having a capital stock of \$500,000, with an authorized capital of \$10,000,000, has issued \$450,000 6 per cent coupon 10-20 bonds. Track has been laid from Waiakea, at the east side of Hilo Harbor, to Kapoho, in the district of Puna, a distance of 24 miles.

One of the principal home industries is the Honolulu Iron Works, which were established in 1853, and has at present a capitalization of \$500,000. The business of the company reached \$1,500,000 during the past year. New works have been erected, covering an area of 6 $\frac{1}{2}$  acres. They are located adjoining the United States Government reservation. All of the buildings are of modern construction and are equipped with the most efficient machinery and machine tools that can be obtained in the United States. The scope of the work executed by the company extends from the repairing of all kinds of machinery and iron shop-work to the building of sugarhouses of the largest capacity. The skilled mechanics employed are mostly American and the unskilled laborers are most exclusively Hawaiian, no Asiatic labor of any kind being employed. From 450 to 550 men are continuously employed, while at times the number reaches 600.

Building operations were very active in both Honolulu and Hilo during the past year. Total cost of new buildings was \$4,118,122.

The progress of public instruction has been, upon the whole, satisfactory. The amount of money expended for the support of public schools during the past year was \$306,299.56. Appropriations have been made for the biennial period ending June 30, 1903, for salaries and pay rolls, \$652,862.50; for current expenses, \$199,025. There were 559 teachers employed in the public and private schools. There were 11,501 pupils attending the public schools, 4,036 attending private schools; total, 15,537.

Irrigation is an important factor in all agricultural work. The conservation and distribution of the storm water is attracting considerable attention at the present time. The natural conditions are such as to justify the belief that great benefit can be derived from intelligent work along these lines. An investigation of this subject should be

undertaken at an early date, and thereafter suitable legislation should be enacted by Congress to authorize the erection of irrigation works.

The protection and extension of the forestry of the islands should be immediately undertaken. An investigation by an expert forester would be of great assistance in determining what action should be taken to bring about the best results. The planting of about 60 acres of forests in the foothills back of Honolulu has been accomplished. This work is still being conducted by the Territorial commissioner of agriculture and forestry, but his work should be augmented and extended under direction of the Bureau of Forestry.

The acting governor submits the following recommendations for action by Congress, to wit: The authorization of the conversion of all Hawaiian silver coins into corresponding coins of the United States; that the immigration of a limited number of Chinese laborers be authorized, conditioned upon their engaging in agricultural pursuits only during their residence in the Territory, and that upon their ceasing to do so they shall be returned to their own country; that a site be purchased and a Federal building erected in Honolulu for the accommodation of the Federal court, post-office, custom-house, and other offices of the United States; that the granting of licenses to divert water from lands where it is of no value to arid sections that are otherwise adapted to agricultural purposes be authorized; that the retention of a sufficient amount of the custom-house receipts be set aside for the use of the Territory for the payment of any judgment awarded by the commission on fire claims, and that an appropriation be made for the appointment of a deputy secretary of the Territory authorized to act during the absence or disability of the secretary of the Territory for Territorial purposes only.

#### NEW MEXICO.

The report of the governor, M. A. Otero, shows that the Territory has continued to enjoy prosperity in all branches of material development during the past year, and has "made marked advance in all things which contribute to the greatness of an American commonwealth."

New Mexico covers an area of nearly 79,000,000 acres, of which about 24,000,000 acres have been appropriated under the various land laws, leaving an available unappropriated area of some 55,000,000 acres, capable of supporting a population of many millions; the estimated total population at present is 300,000, exclusive of Indians, which latter number 12,206. The governor takes strong grounds against the injustice, as he declares, which the recent census does in accrediting to the Territory a population of but 195,310 in 1900, and sets forth at length many reasons for his belief. He asserts that the registration in October, 1900, which showed 59,297 voters in the Territory, should serve as a fair basis for arriving at a just estimate of

the population; but few of the large number of voters are without families, and even among the 6,000 or 8,000 miners in the Territory, more than half have families; reckoning, therefore, five persons to the family of each voter would make the total estimated population 296,485.

The governor states that the actual taxable value of property in New Mexico is \$150,000,000, and states his opinion to be that this vast sum would be more than trebled within five years after admission of the Territory as a State. So long as the question arising out of the acquisition of Hawaii, Porto Rico, and the Philippines were burning issues, says the governor, there was not much prospect that New Mexico, Arizona, and Oklahoma would be admitted, but those matters being now out of the way there seems to be no reason why the door should not be opened for all the continental Territories excepting Alaska. On the subject of the loyalty of the people of New Mexico toward the Federal Government, he refers with pride to the fact, as shown by official records, that the Territory sent more volunteer soldiers to the defense of the country per capita in the American civil and Spanish-American wars than any other State or Territory.

Under wise and beneficent laws, enacted by recent legislative assemblies, it has been possible for the first time in the history of the Territory to accumulate a surplus in almost every fund in the treasury department, which can be turned toward reducing the interest-bearing debt instead of a deficit to be met by another issue of bonds or an increased rate of taxation, and this, notwithstanding the fact that the treasurer has been enabled to call in and cancel \$48,800 of certificates of indebtedness, and also \$20,000 of 6 per cent and \$20,637 of floating indebtedness, making a total reduction in the indebtedness of the Territory of \$89,437, being a reduction of more than 7 per cent of the total indebtedness, and in addition to which there are now on hand trust funds for the redemption of outstanding bonded indebtedness to the amount of \$71,658.07. The bonded debt of the Territory at this time is \$1,180,974; besides paying in cash all current expenses, providing for all appropriations, and from all present indications leaving surplus balances in all funds at the end of the current fiscal year ending December 2, 1901. The Territory's standing in the financial centers of the world is stated to be first class. During the present administration all interest payments have been promptly met, the 4 per cent bonds have been sold at a premium, and from the revenue derived from the leasing and sale of lands for the benefit of the various public institutions there have during the past year been expended large sums in betterments on the public property.

Salutary laws governing insurance have been enacted which have not only proved a source of protection to the people of the Territory, but have imposed no great hardship upon the insurance corporations.

The latter appear to have enjoyed a full share of the general prosperity prevailing throughout the Territory.

Before 1850 New Mexico had been an outlying province of the Kingdom of Spain and the Republic of Mexico, neglected and uncared for by either Government, compelled to depend upon herself and her own resources, to contend against an arid climate, while at the same time carrying on war continuously for more than a quarter of a century with savage Indians within her borders. Naturally the cause of popular education suffered much, being at times entirely suspended in all save a few of the more populous communities. But after repeated appeals, covering a period of more than forty years, Congress, in 1898, passed an act donating to the Territory lands for various public institutions, and sections 16 and 36 for the benefit of the public schools. Long prior to that, however, the people of the Territory had taken the subject in hand and by legislative enactment provided an excellent system of public school laws, supported by a heavier direct tax than was ever laid in any State or Territory for the purpose, viz, 3 mills on the dollar. These laws have been materially improved from time to time, until now New Mexico has an educational system that appeals to the pride of every citizen.

The number of children of school age within the Territory is 53,008, of whom 47,700 are enrolled as pupils, with an average daily attendance of 31,008, 90 per cent of the children being enrolled on school rosters and 60 per cent in actual daily attendance. These children are educated in 800 schools, by 1,000 teachers, and the school property is valued at over \$1,000,000. Illiteracy has steadily decreased. The census of 1870 (twenty-four years after the "peaceful annexation" of New Mexico by the United States, when General Kearney had proclaimed to this people the "bill of rights," which is still retained on the statute books nearly unchanged) showed that 85 per cent of the populace were illiterate. The census of 1880 reduced this to 65 per cent, and the census of 1890 brought it down to 44.49, and while the census figures for 1900 on this subject have not yet been completed it is believed that it will show this percentage has been reduced to 20 per cent.

Under the operations of the law donating the public lands above referred to there have been received from rentals of leased school sections the sum of \$16,135.34 and from the 5 per cent of the money received from sales of public lands the further sum of \$2,185.50, all of which has gone into the public school fund of the Territory and has been distributed among the various school districts. Besides accruing from this same source are the following amounts to the credit of the institutions named: Normal University, \$10,830.62; Normal Training School, \$10,830.60; School of Mines, \$13,368.46; Peniten-

tiary, \$14,519.45; Military Institute, \$6,512.14; Blind Asylum, \$32.14; Asylum for the Deaf and Dumb, \$12,686.71.

The governor, in view of the present urgent needs for utilizing every possible available resource for advancing the Territory's educational development, urges that an additional grant of not less than 5,000,000 acres be given the Territory to be apportioned among the institutions named and for the objects specified in the Congressional act of June 21, 1898, and also in addition to sections 16 and 36 now available for public school purposes that there be granted sections 13 and 33 in each township to be devoted to the public school interests.

The work of the United States Court of Private Land Claims in quieting titles to the Spanish and Mexican land grants, which until recent years have retarded the development of New Mexico, is highly commended. During the past year this court has judicially considered claims covering an area of 3,669,716 acres claimed as land grants, of which 25,667 acres were confirmed as being valid grants and 3,644,049 acres rejected as grant lands and restored to the public domain.

In view of the large area reverting to the public domain by reason of the adjustment of titles by the land court, he also recommends that the Government provide some means for having this class of public lands immediately surveyed and subdivided, to the end that the school sections therein be available at once for leasing purposes under the law above referred to, thereby enhancing the benefits derived by the public schools of New Mexico through this Congressional donation. At the present time a great many applications for the lease of such school sections can not be taken up by the Territorial land commissioner because these former grants have not been surveyed and subdivided.

The increase in the number and extent of land entries during the fiscal year is an indication that New Mexico is rapidly settling up. The entries in the Santa Fe land district amounted to 349,189.54 acres. There are three other districts, and the total area of land entered was 673,161.54 acres, an increase of 151,516.54 acres over the previous fiscal year. Nearly 1,800 persons located new homesteads in the Territory during the year, filing upon 274,598 acres, indicating the healthy growth and development of the Territory and its capacity to provide new homes for the western immigrant.

New Mexico State buildings and their value are given as follows: A new capitol, \$400,000; penitentiary, \$500,000; college of agriculture and mechanic arts and agricultural experimental station, \$98,000; asylum for the insane, \$79,731; school of mines, \$65,000; university, \$60,500; normal university, \$58,570; military institute, \$53,460; historic official palace, \$30,000; normal training school, \$28,000; asylum for deaf and dumb, \$6,000; total, \$1,378,261.

During the year there were incorporated five railway companies, with a capitalization of \$16,561,500, to build 730 miles of railroad and engage in town building and kindred enterprises, as against two railroad corporations filed the previous year, with a capitalization of \$3,500,000, to build 130 miles of road. The construction of new railroads within the Territory for the year will amount to nearly 1,000 miles. The railroads now in operation or under construction have a total mileage of 2,180 miles.

A gratifying activity is shown in the growth of manufacturing enterprises of various kinds, employing 2,600 persons, whose wages amount to \$1,350,586 annually, and the value of such manufactures has increased from \$1,516,195 in 1890 to \$5,605,783 in 1900. The important industries at present are the smelting of copper and other ores, the manufacture of breadstuffs, of sugar from beets, the scouring of wool, tanneries, etc. There are also in operation a number of fruit canneries and distilleries. Such diversified industries as pertain to woolen fabric, blanket, and knitting factories, etc., tanneries, shoe and harness making establishments, iron and steel mills, marble yards, and stone-polishing plants are now needed throughout New Mexico. Those contemplating the establishment of potteries, lumber, flour and grist mills, creameries, fruit distilleries, wineries, and canneries will also find here an inviting field.

Mining for the useful and precious metals has been extremely active throughout the territory during the year, and a very large area of coal and iron lands has passed to private ownership. Much attention also is being given to oil lands. The organization of 84 companies, with a capitalization of \$67,435,000, indicates what is going on in the direction of developing the precious and useful metals, oils, etc. The coal and coke industry gives employment to 2,000 persons. The coal output for the fiscal year is 1,217,530 tons, valued at the mines at \$1,606,174. The coke production is 42,732 tons, valued at the pits at \$117,516.25.

Continuous daily shipments of iron ores have been made throughout the year from New Mexico points to the bessemer-steel plant in Colorado. They have been large, but no record is obtainable on the subject. Of gold, silver, lead, and copper the product for the past year is estimated at about \$6,000,000, and the value of turquoise mined is in the neighborhood of \$100,000.

Several of the most extensive irrigation systems in the country are in operation in the Territory. The Pecos Valley storage reservoirs are by far the largest in the United States. A commission on irrigation and water rights, established by legislative enactment, is administering to excellent advantage the lands donated by Congress for the establishment of water-storage plants within the Territory. Of the 600,000 acres available for this purpose the commission has already



contracted with private individuals for the reclamation of about 220,000 acres.

And while New Mexico is making rapid strides in the development of her strictly agricultural and horticultural interests, the chief industry is that of live stock. From January 1 to June 1, 1901, 97,205 head of horned cattle were sold and shipped out, and for the year ending June 30, 1901, 169,274 head of steer cattle were disposed of, realizing over \$4,000,000. The large herds in the Territory were increased during the year by the shipping in of some 14,274 head of stock for breeding purposes. More sheep are produced than in any other State or Territory in the Union; the wool clip bids fair to pass the 20,000,000-pound mark this year. The spring lamb crop was in the neighborhood of 1,200,000, thus bringing the total number of sheep up to nearly 5,000,000 head.

The governor states that there are still many opportunities for the investment of capital in irrigation projects, coupled with colonization and town-building enterprises, that would bring profitable returns. Agriculture generally is on a most satisfactory basis; the cultivation of the sugar beet is receiving much attention, the soil and climate being peculiarly adapted to its production. Alfalfa growing is making rapid strides, as within a few years stockmen have given up entirely their old range methods and have gone to fattening their own cattle, sheep, and hogs on alfalfa produced at their homes rather than send their stocks to Kansas, Nebraska, and Missouri to be fattened on corn.

There are in the Territory two national forest reserves, one on the headwaters of the Pecos River in the northern part, and one on the Gila over in the southwestern part, comprising 3,701,040 acres. For timber and grazing these tracts are most desirable, and along the streams are splendid agricultural lands. The governor expresses the opinion that New Mexico has lost heavily in prospective growth and wealth by the segregation of this vast empire from the public domain. He admits the correctness of the principle that preservation of the forests at the headwaters of streams throughout the West protects the water supply in the valleys, but contends that all such benefits can be secured by reducing the area in these reserves, and without unnecessary restrictions or total prohibition of grazing thereon. He takes issue with the theory that grazing these lands destroys the timber, and makes an earnest appeal in behalf of those settlers who, as well as their ancestors for untold generations, have derived a large share of their living from grazing their flocks upon these arid mountain ranges, and from which they are now barred. The rapid transformation of the Indian tribes of the Territory from semibarbarism to a reasonable degree of civilization is commented on; for years, he states, there have been no Indian disturbances, and their advancement in all the walks of

higher life is marked to an encouraging degree. In the several Government schools in New Mexico are 1,700 Indian pupils.

An interesting chapter in the report is devoted to the thermal springs of New Mexico, of which there are a great variety, both hot and cold, in many sections of the Territory. Much space is also given to the public health, the remarkable salubrity of the climate, and its effects upon tuberculosis and kindred diseases. The fact that the Government has in so far officially recognized the superiority of the Territory's natural climatic conditions, an important element of wealth in itself, by establishing Government sanitariums for the sick of its military and marine branches at Forts Bayard and Stanton, respectively, is referred to in commendatory terms, and a technical review of the results thus far accomplished is given. Several large private sanitariums are conducted at various points throughout the Territory, and many recoveries of patients suffering from consumption, through the effects of the pure air, altitude, and sunshine, without the use of medicine or drugs, are reported.

Detailed reports are given of the status of the various eleemosynary institutions of the Territory, which show New Mexico to be in this respect fully abreast of the spirit of the times. The moral and social status of the Territory is reported as excellent, and the vast amount of data presented regarding the operations of the judicial branch of the Territorial government indicates the general good order prevailing throughout the year and the utmost security of life and property in this Territory under the present administration of public affairs.

By legislative enactment an annual appropriation of \$5,000 is provided for meeting the expense of a geological survey of the Territory, to be made under direction of the United States Geological Survey Bureau. This is greatly needed, owing to the rapid development of the mines, and an appropriation by Congress of a similar amount to aid in expediting this important work is desired.

The governor makes an urgent appeal to the Government to reassume the custody and control of the historical official residence of the various governors-general under Spanish and Mexican rule, known as the "Old Palace" and located at Santa Fe. He recommends that this public structure, of most unique and interesting history, be utilized as a southwestern branch of the Smithsonian Institute, and suggests the wisdom of establishing therein a museum made up of articles taken from the cliff-dwellers' region so near at hand.

#### OKLAHOMA.

The report submitted by the governor, William M. Jenkins, is a comprehensive presentation of the growth, progress, and resources of the Territory, its present advantages and future possibilities. He attributes the general prosperity and progress not only to the natural

advantages of the country but to the character of the people, and to the fact that the entire Territory has been opened under the homestead laws.

The population as given by the census of 1900 was 398,331, an increase during the decade preceding of 544.2 per cent. Since the taking of the census the population of the settled counties has increased more than 60,000, and the large influx due to the opening of the Kiowa and Comanche lands added 50,000 more, making the population at this time in excess of half a million.

The people of the Territory are distinctively American, less than 5 per cent being of foreign birth, and the per cent of illiteracy is less than in three-fourths of the States.

Social life in the Territory has generally the same aspect as in the States, without, however, there being any class distinctions. The community is a thoroughly democratic one, where all have equal opportunities for advancement and preferment; there are neither any very rich nor any pauper class, and the homes of all the people are reasonably supplied with the comforts of life.

The taxable value of property for the year 1901 is \$60,464,696, an increase of \$11,126,035 over 1900. Of this amount \$4,538,375 was railway property, \$17,279,809 farm lands, \$8,620,567 town property, \$2,552,932 moneys and credits, and \$28,631,013 other personal property. Farm lands were returned at an average of \$3.45 per acre. Cattle at \$12.58, horses at \$17.14, sheep at \$1.30, and hogs at \$2.40 per head, which shows the property is returned at a very small part of its real value. Taxes in the Territory have, as a rule, not been much higher than in the States adjoining. The Territorial tax has been less than that of the State taxes of most States, the levy for 1901 is  $7\frac{1}{2}$  mills, an increase of 2.35 mills over last year, almost the entire increase being for the erection and payment of buildings for educational institutions. The total Territorial indebtedness on June 30 was \$466,220.13, or about \$1 per capita. Of this indebtedness, \$48,000 is in bonds issued for the erection of educational buildings the first year of the Territory's history. The balance is a warrant indebtedness, having accumulated by casual deficit from year to year. A detailed financial exhibit is given showing the condition of every Territorial fund, and also a complete statement from the Territorial treasurer of the cash on hand, which amounts to a total of \$258,590, as an offset against the indebtedness mentioned.

The public school system of Oklahoma is excellent. It embraces rural, town, and city systems, together with higher educational institutions, including university, agricultural, and normal schools, the whole scheme of education being a graded course running from the lowest class in the district school to the highest in the university. There are in the Territory 2,096 school districts and 1,930 school-

ses, in addition to the higher institutions, which are not included in his enumeration. There is scarcely a home in the Territory that is within easy reach of a good public school. Two thousand and eighty-six schools were taught during the last year, and the enumeration of the school children for the Territory was 114,737, the total amount expended for the carrying on of the common graded schools being \$686,095. The Territory has five higher educational institutions— a university at Norman, the Agricultural and Mechanical College, at Stillwater; the Oklahoma Normal School, at Edmond; the Northwestern Normal School, at Alva, and the Agricultural and Normal University, for colored students, at Langston. Provision was made at the last session of the legislature for the establishment of the Southwestern Normal School at Granite, Greer County, and for the University Preparatory School at Tonkawa, Kay County. The building for the Northwestern Normal School, to cost about \$50,000, and that for the University Preparatory School, to cost nearly \$20,000, are now in course of erection, as are also new structures at the university and agricultural college and the college for colored students, costing from \$10,000 to \$80,000 each. The aggregate attendance of these institutions during the past year was 1,887 students.

In addition to the Territorial colleges there are a number of sectarian schools in the Territory, and the Government conducts sixteen schools for the education of the Indian children and youth, the most prominent of which is the Chilocco Industrial School in Kay County, which has an attendance of something over 400 Indian students.

Oklahoma early sought provision for the permanent endowment of the public schools of the Territory as well as provision for the funds to insure the erection of public buildings for the State. As a consequence, as each portion of the Territory was opened to settlement, certain lands were reserved for public schools and other lands for the higher institutions of learning as well as some for the erection of public buildings. These lands amount at this time to 2,050,000 acres, which were held by the Territory in trust for the future State of Oklahoma, about three-fourths of the lands being for the common schools. These lands are all leased for agricultural and grazing purposes and net a large revenue to the schools and colleges as well as provide a rapidly increasing public-building fund. The care and management of these public lands have come to be one of the most important departments of the Territorial business, the receipts for the past year having reached \$213,303.67, and it is estimated that they will reach \$300,000 the coming year. The net proceeds from leasing these lands since the organization of the Territory has been \$1,046,857.99. During the year settlers homesteaded 1,196,994 acres of land in small tracts throughout the various counties in the Territory. There are still vacant and subject to homestead entry 4,414,643 acres of Government

land exclusive of the large area of the Indian reservations which has mostly been settled before this time.

Churches and other religious and charitable organizations are well represented in the Territory. The statistics given show the church membership to be over 65,000 and the value of church property half a million dollars.

There are 113 Territorial and 31 national banks, an increase of 34 Territorial and 20 national banks during the year. The aggregate resources of all of the banks in the Territory is \$16,495,465.58. Their deposits are \$12,512,016.51, an increase in deposits of over \$6,000,000 for the year. There are four local cooperative building and loan associations in the Territory, that have about \$120,000 invested in real estate securities among their numbers.

Oklahoma offers an inviting field for the investment of capital in manufacturing and commercial properties as well as in lands, mortgages, bonds, and other private and public securities. Territorial, county, and city securities, which several years ago went begging in the markets at 85 and 90 cents on the dollar, now command a premium, and the rapid development of the Territory and advance in prices of land and other property has caused investors to realize handsomely on their Oklahoma investments. There has never been any attempt at repudiation, and there is at present practically no interest in default on Oklahoma securities of any kind. Farm loans are now being freely made at 6 per cent by outside investors. Mortgages of outside investors are exempt from taxation, and the laws of the Territory are extremely favorable to capital.

Twenty-one life insurance companies, licensed to do business in the Territory, wrote \$2,408,617.44 of insurance in 1900, collected \$161,072.79 in premiums, and paid \$39,871.50 in losses. Forty-two fire insurance companies wrote \$22,778,912.62 of insurance, collected \$373,510.92 of premiums, and paid \$103,751.42 in losses. There was also \$3,309,177.69 of miscellaneous insurance written by fidelity, accident, and casualty companies, upon which was collected \$15,619.50 and \$8,875.51 paid. Four local farmers' mutual associations wrote \$4,331,954.02 fire and hail insurance, collected \$141,290.40 in assessments, and paid \$108,051.56 in losses.

There are 1,075 miles of railway in operation, of which 215 miles was built during the past year, and at this time fully 400 miles additional are in progress of construction. The railways of the Territory include four trunk lines—the Atchison, Topeka and Santa Fe, the Chicago, Rock Island and Pacific, the St. Louis and San Francisco, and the Choctaw, Oklahoma and Gulf—giving connection with all the important markets of the Union. There are also two independent lines, the Choctaw and Northern and the Blackwell, Enid and Southwestern railways, in operation. All but three of the counties of the

Territory are reached by railways, and roads will be built into two of these inside of sixty days. The railway mileage of the Territory is, however, very small as compared with that of States of equal area and population.

The commerce of the Territory is very extensive for a new country. The products of the farms, orchards, ranges, and factories are shipped not only to the various markets of America, but to many foreign lands. Oklahoma grain is going constantly to Europe, cotton to Liverpool and Japan, flour to South America and England, and other articles to various foreign ports. The shipments in and out of the Territory of the more important articles of commerce were as follows for the year:

Shipments out of the Territory: 9,850 cars of cattle, 4,171 cars of hogs, 106 cars of sheep, 104 cars of mules, 344 cars of horses, 24,522 cars of wheat, 1,860 cars of corn, 66 cars of castor beans, 768 cars of cotton seed, 85 cars of hay, 113 cars of melons, 4,785 cars of flour, 2,074 cars of other mill products, 314 cars of oats, 703 cars of cotton by car lots and 68,925 bales in addition.

Shipments into the Territory: 1,057 cars of farming implements, 361 cars of vehicles, 1,053 cars of machinery, 1,053 cars of flour, 2,743 cars of household goods of immigrants, and 15,030 cars of coal.

The climate of Oklahoma Territory is mild, healthful, and pleasant, the rainfall being sufficient for growth of agricultural crops and the seasons admirably adapted to the growing and harvesting of grains, fruits, and other products. The average rainfall over the Territory is from 30 to 40 inches per annum, well distributed through the growing season. The great diversity of crops which can be successfully grown throughout the Territory gives the farmer an advantage over his collaborer in other States. Nowhere else can the three great staples of wheat, corn, and cotton be successfully produced upon the same farm, together with a large number of by-products, including oats, kafir corn, castor beans, peanuts, melons, potatoes, broom corn, in addition to all varieties of fruits and vegetables. The wheat crop of the Territory this year is 25,000,000 bushels, the cotton crop of last year reached 140,000 bales, and the corn crop was fully 60,000,000 bushels. Wheat the present season averaged fully 25 bushels per acre the Territory over, and tested from 60 to 65 pounds per bushel. In many sections of the Territory a specialty of growing potatoes, melons, peanuts, and castor beans is made, with profitable results. The mild climate and rich and nutritious grasses and abundant water make Oklahoma a most desirable stock-raising country. The number of head of live stock returned for taxation the past year was as follows: Horses, 36,235; mules, 52,581; cattle, 617,752; sheep, 42,007, and swine, 277,289. The stockmen are all improving their herds, and the general prospect for them at this time is reported as favorable in all parts of the Territory.

Many fine horses have been produced, and Oklahoma-bred trotters are making records upon the leading tracks of the country.

The fruit industry is flourishing. Oklahoma peaches especially are known in most of the markets of the country, and are not surpassed anywhere for size, color, and flavor. The Territory seems to be the natural home of the peach, and the trees produce at a remarkably early age and in an abundant quantity. Apple growing, too, has become successful in the Territory, and many fruit growers predict that the Territory will be as fine an apple country as southern Missouri and northern Arkansas. The very finest apples are shown here as products of the home orchards. Pears, cherries, quinces, apricots, and early small fruit berries do exceedingly well. The grape crop is very large, maturing early and bearing profusely. The very best of wines are now being obtained from the Oklahoma grape.

There is a large demand for Oklahoma farm lands by immigrants from the North and East. During the month of April, 1901, there were 885 sales of farm lands made in the Territory, the aggregate number of acres transferred being 121,511 and the total price paid being \$1,905,077. The highest price paid was \$800 per acre; the lowest, 62 cents; the average, \$13.39.

The passage of the free-homes law by Congress has been of untold benefit. This measure relieved the settlers of payments for land aggregating \$15,000,000, and this amount of money, instead of going to the Government, has been kept in the Territory and invested in houses and barns and live stock for the farms and comforts for the family, and was a prominent factor in bringing about the general condition of prosperity. The second result has been the attraction of a large immigration to the Territory of settlers coming in to take up homestead lands made wholly free by the passage of this bill. The enactment of this measure has also resulted in a large increase in the area of taxable land by causing the farmers to prove up on their homesteads, this increase amounting to 1,737,000 acres for the current year. The governor asserts that none are idle in Oklahoma except from choice and that the demand for labor is generally in excess of the supply.

Oklahoma products have won many high awards at every exposition where exhibited, the latest distinction for the Territory in this line being the highest award in cotton at the Paris Exposition. Commissioners are already preparing an exhibit for the Louisiana Purchase Centennial Exposition at St. Louis, where the Territory hopes to do as she did at the Omaha Exposition—exhibit the greatest variety of successful farm products of any State in the Union.

The governor pays high tribute to the press of the Territory and embraces in his report a complete directory of the publications.

which consist of 22 daily, 168 weekly, 20 monthly, and 4 semimonthly periodicals.

The insane and deaf mutes and convicts of the Territory are cared for by contract. There are 315 insane patients in the asylum, and the cost for caring for the same the past year was \$56,369.90. In the deaf mute institution 54 scholars are being cared for and educated at an annual cost of \$13,041.88. The number of prisoners in the penitentiary on July 1 was 252, the cost of care and transportation during the year having been \$33,172.31.

The laws regulating medical practice, dentistry, and pharmacy are adequate and well enforced; the public health is well looked after by the Territorial board of health; the climate of the Territory is so favorable that there is very little disease of an infectious or contagious nature, and lung troubles are at a minimum.

The general geology of the Territory indicates an agricultural and grazing community. There are indications of minerals in but a small portion of the Territory, and limestone is absent everywhere except in the extreme northeast and southwest. The hills and canyons of middle western Oklahoma and the mountains in the southwestern portion of the Territory show more or less indications of mineral. There are some fine ledges of limestone in the northeast portion of the Territory, and the granite quarries in the southwestern portion will soon be famous. Coal is found in several localities, but very little of it has been mined. There are indications of copper, lead, and zinc, and other minerals at some other places. Copper has been mined with some profit, and oil and gas have been found in some parts of the Territory. The undeveloped resources include the mineral deposits, stone ledges, and immense beds of cement and salt, as well as opportunities for tanneries, more extensive fruit growing, and the converting of the many raw products of the Territory into finished articles of commerce.

The counties of the Territory are, as a rule, well governed, and generally prosperous conditions exist. The governor gives detailed information of all the conditions in each county, which would be desirable information for an intending settler. The cities of the Territory are well governed, have modern, up-to-date improvements, including waterworks, electric lights, parks, good sidewalks, and proper fire and police protection. There are 15 cities of the first class in the Territory with a population in excess of 2,500, two of them having populations of over 10,000.

There are 681 towns listed on mercantile reports and 134 wholesale houses, employing 960 men. During the year 300 business blocks and 3,219 residences were erected in the different cities. Manufacturing industries are yet but limited, there being but 868 factories in operation, employing 2,055 hands, with an aggregate pay roll of \$807,826. The aggregate capital invested is stated at \$3,357,000.



There are 800 flouring mills in operation, with an aggregate output of 7,005 barrels per day.

The Indian population of the Territory is stated to be 12,919, and the opinion is expressed that the red man is slowly advancing in the ways and arts of civilization. A detailed account of the conditions at each Indian agency is given. But four Indian reservations, embracing a total area of 1,725,647 acres, yet remains unsettled, and the governor urges immediate allotment of lands to the tribes thereon and the opening of the residue of land to settlement under the homestead laws.

The recent opening of the Kiowa and Comanche and Apache and Wichita Indian reservations is discussed by the governor, and the plan of registration and drawing devised by the Secretary of the Interior commended as satisfactory, and a great improvement upon the old method of wild scramble. The sale of town lots in the county seats is also highly commended and legislation recommended to give a portion of the receipts to the towns for municipal improvement and to allow the using of a sufficient amount to erect schoolhouses throughout the counties. The conditions prevailing in the Indian Territory are discussed, and upon the plea that it seems to be the intention of Congress to ultimately unite the two Territories as one State it is urged that early action be taken to solve the problem presented there, to put the people under the same laws as those governing Oklahoma, to provide for the education of the children, and to create the public highways, so necessary to the proper development of a free American community.

In addition to the recommendations the governor strongly urges the enactment of a uniform measure relating to all school, college, and public building lands; the cession of all vacant public lands in western Oklahoma, amounting to over four million acres, to the Territory in lieu of public lands lost in the eastern portion, and the increase of the Territorial supreme court bench from five to seven members.

#### PORTO RICO.

COMMISSIONER OF THE INTERIOR FOR PORTO RICO.—Section 24 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," provides as follows:

That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

The report of the commissioner of the interior of Porto Rico gives the general résumé of the work in the island under his supervision.

showing that substantial progress has been made and that the prospects for the future can be regarded as reasonably bright.

It is shown that with the abolition of the board of charities and the transfer of its powers and duties to a director of charities and the executive council, the shifting of the division of patents, trade-marks, and labels to the department of the secretary of Porto Rico, both by legislative enactment, and the addition of the bureau of insular telegraph, the organization of the department stands as follows: The board of public works, the superior board of health, the bureau of agriculture and mines, the bureau of insular telegraph, the division of lands and forests, and the division of archives, each of which is coextensive in its ramifications with the island boundaries and in its operations of real importance and value to the people in the support and development of commercial, industrial, and social life, the whole making of the department of the interior, properly conducted, an institution of supreme utility to a successful administration of the government of Porto Rico, the revival and endurance of prosperity, the peace, comfort, and happiness of the people.

The matter of public lands, it is stated, continues as a vexatious and annoying problem. A searching investigation of titles throughout the island is first needed, and then careful surveys of all public lands should be made. Upon the presumption that the titles to all lands not held by legal claim of private ownership had passed by the treaty of Paris to the United States, no provision has been made by the insular government to determine the location and extent of such lands, and the Department has been handicapped both by lack of authority and the means to prosecute the work with any sort of vigor. It is not practicable, therefore, to report any material additions to the list of public lands which accompanies the previous report. The Commissioner notes with pleasure the Department's recommendation to Congress on this important matter, and expresses the hope that suitable means and the necessary appropriation for a speedy determination of the location and quantity of public lands in Porto Rico will be provided by the next Congress.

The Commissioner calls attention to a phase of the question not heretofore suggested or discussed. Quoting Article VIII of the treaty of Paris, and certain articles from the civil code of Spain extended to Porto Rico, the first reciting what was ceded and what rights were reserved to provinces, municipalities, etc., the second declaring all property to be of public or private ownership and defining and classifying each, he claims that there were no "Crown" lands in Porto Rico at the date of cession; that the so-called "public" lands understood to have passed to the ownership of the United States by the terms of the treaty were, in fact, "private" lands belonging to the "State," and, as such, are the property of the people of Porto

Rico and subject to disposition by the insular government, as was the case under Spanish domination.

The matter of roads and bridges, particularly from the interior to the seacoast, has claimed the earnest consideration during the past year. The importance of these outlets from the productive coffee, tobacco, and fruit regions is shown, and the means employed to relieve interior communities and encourage the people to clear and cultivate the lands with the assurance of profitable returns are set forth in detail. The total of appropriations from the insular treasury for the fiscal year for contingent expenses and salaries, construction and maintenance of public highways, was \$478,974. The cost of maintenance grows as sections of new road are added, and even now presents an aggregate of expense which forbids contemplation of the construction of roads from insular revenues until the taxable resources shall have been materially augmented or business conditions may warrant a higher tax rate than is now deemed prudent or wise. The commissioner, however, notes that the liberality of the Congress of the United States, as exemplified in the appropriation for refunding customs duties, provided a fund with which many miles of good road may be constructed. A portion of it, under allotment by the President, was applied to road construction by the late military government, and the work of completion has been taken up where the army engineers were compelled to leave off. The balance of the appropriation allotted to road building, it is stated, will be deemed a sacred trust and its expenditure guarded with zealous care, to the end that every dollar paid shall return its equivalent in benefit to the people.

Two hundred and fifty-three and six-tenths kilometers of road was built by the Spanish Government with state (insular) aid during the four centuries of its rule, against 134.4 built by the United States military and the insular civil governments within the past three years. The extent of road construction contemplated, contracts, maintenance, and surveys are presented in detail, together with a number of photographs of old and new roads, bridges, and road cuts, designed to illustrate the character of and somewhat the obstacles to road construction in Porto Rico.

Concerning the matter of public buildings, attention is called to the report of the board composed of officers of the Army and Navy appointed "to examine and report respecting the part of public lands owned by the United States in Porto Rico required for the use of the military and naval establishments," and a strong protest is entered against certain properties, especially buildings alleged to have been constructed with funds collected from insular taxes and imposts and in equity the property of the people of Porto Rico, being retained by the United States Government.

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The condition and needs of the agricultural interests, upon which the commissioner believes that the enrichment, comfort, happiness—indeed, the very existence of the masses depend, is clearly and forcibly presented in the report. It is shown, however, that by reason of the failure of the Territorial legislature, in anticipation of an appropriation by Congress for the establishment of one or more agricultural experiment stations on the island, to make any financial provision for the bureau, it has not, in consequence, been able to render very much assistance in agricultural development.

The mining interests of Porto Rico have not been deemed important, although it is known that there do exist deposits of gold, copper, iron, and other minerals, and it is alleged that placer mining was carried on profitably many years ago. Of late more or less prospecting has been done, and, as a result, there has been an appreciable increase in the numbers of mining applications filed. Reports of valuable discoveries have gained circulation, but allegations as to their richness lack confirmation.

Under Spanish régime the telegraph system of Porto Rico belonged to the Government. It was an elaborate and expensive organization; its lines extended to every town, and it furnished many sinecures for favorites. When the United States Army invaded the island, the Signal Corps took charge of the stations as the troops advanced, and, finally, of the whole system, substituting modern instruments for the antiquated tape instruments in use and restoring the lines, which were generally out of order, to a serviceable condition. The hurricane, however, of 1899 practically destroyed the lines. The Signal Corps restored communication only between the cities and larger towns, leaving the system very much reduced in extent, and in this condition it was turned over to the Department of the Interior on February 1, 1901. It was well understood that the receipts would not

pay the expenses. The system has been organized on the most economical basis conceivable, a few abandoned offices have been reopened, and the margin of expenditures over receipts has been kept encouragingly small.

The labor of cleaning, examining, classifying, filing, and indexing the old public records committed to the care of the Department has been steadily pursued, and, although the end is not yet in sight, good progress is being made, and the archives will eventually be in shape for ready reference.

In conclusion the commissioner avers that, notwithstanding the deplorable condition of the laboring classes at the time of the cession of Porto Rico to the United States, the awful destruction of life and property and consequent misery and woe wrought by the hurricane of 1899, the injury to trade and commerce caused by the necessary change in the circulating medium, and in spite of pernicious opposition to and malicious representation of the methods and policies adopted and pursued, there are, in all matters relating to the Department of the Interior, evidences of substantial progress made, and the prospects for the future are reasonably bright. There remains much to be done; indeed, it would seem that only a fair beginning has been made, yet the commissioner expresses the belief that with the exercise of patience, industry, wise discretion, and zeal, the speedy habilitation of Porto Rico as a veritable garden spot, rich and prosperous, and the people fully employed, contented, and happy are conditions that may be confidently predicted. Capital is needed for restoration of old plantations, the opening up and cultivation of new estates. Investigation by persons interested in fruit culture has, as a rule, proved satisfactory. Some have invested and are planting; the prospect is that others will soon be at work. It is predicted that in the near future fruits and vegetables will become large and profitable features of the agricultural industry of the island and a leading item in the exports to the United States.

In discussing in my last annual report the legislative needs of Porto Rico I recommended that Congress confer specifically upon the Secretary of the Interior supervision over the public lands in the island; that suitable means be provided, by commission or otherwise, to ascertain the location and the quantity of lands title to which remained in the Crown at the date of the cession of Porto Rico to the United States; that adequate appropriations, coupled with authority for surveys, be made, and that the methods of the disposition of such lands be prescribed by law. The best interests of the island will be subserved by the carrying into effect of these recommendations, and I therefore renew them and urge favorable action thereon.

COMMISSIONER OF EDUCATION FOR PORTO RICO. Section 25 of the act of Congress approved April 12, 1900, entitled "An act tempora-

ily to provide revenues and a civil government for Porto Rico, and for other purposes," provides as follows:

That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

The report of the commissioner of education for Porto Rico is naturally mostly on account of the public elementary schools of the island as reorganized since the American occupancy. The year 1901 found nearly 34,000 children in school, and the commissioner estimates that next year 50,000 will be enrolled. For these pupils 1,000 teachers will be required.

The total population of the island is 953,243, and the school population, 322,393; the number of schools open at end of year was 733, of which 132 were boys' schools, 71 girls', 528 mixed, and 2 night schools; the average number of schools open each month was 698. The number of buildings in use for schools was 120 in towns and 387 rural, aggregating 507. There were 489 white male teachers employed at end of year, 250 white female, 42 colored male, 31 colored female, aggregating 812 teachers. The total number of American teachers employed during the year was 104.

The number of pupils enrolled at the end of the year was 33,802; of these, 15,542 were white and 5,695 colored, boys, and 8,763 white and 3,802 colored, girls. The total number of boys was 21,237, and of girls, 12,565. The average daily attendance during the year was 23,453. The per cent of total population enrolled in schools was 3.5, and the per cent of colored pupils in total enrollment was 28. Estimated value of all school property was \$213,465.97.

The summer normal school at San Juan was attended by over 800 teachers in 1901. A large building for the normal school is under construction at Rio Piedras, and will be opened about November 21, 1901.

There are 39 new school buildings completed and in use, the teaching corps has been reorganized, a system of agricultural schools gives practical instruction to about 1,000 students, and a high school is in operation at San Juan. The annual budget has been increased from \$400,000 to \$500,000, and the schools are now equipped with all necessary books and supplies, while the school year extends to nine months in the year. There are 100 American teachers now on the island. Free transportation for teachers between New York and San Juan was discontinued in June, 1901. The salary of American teachers is fixed at \$40 per month, for nine months, in cities of less than 5,000 population. In larger cities it is \$50 per month for the same time. Teachers' institutes were held in 15 places in the island during the summer

of 1900 and summer schools were opened in 16 districts. In January, 1901, the sum of \$200,000 was transmitted to the treasurer of Porto Rico from the United States Treasury, by direction of the President, to be used for school buildings, and suitable buildings are in course of construction in all parts of the island. The school maintenance fund of \$501,000, allotted under the civil government, is 25 per cent of the entire insular budget. It is independent of \$235,000 destined for school extension. The free public library in San Juan has 7,400 volumes. Provision has been made by the legislature of the island to send a limited number of young men and women to complete their education in the United States.

#### INSPECTORS OF COAL MINES IN THE TERRITORIES.

By act of Congress approved March 3, 1891 (26 Stat., 1104), the President was authorized to appoint, at an annual compensation of \$2,000 each, a mine inspector in each organized and unorganized Territory of the United States wherein were located coal mines, the aggregate annual output of which would be in excess of 1,000 tons per annum. Appropriation is now made annually by Congress for two such inspectors—one of the Indian Territory and the other of the Territory of New Mexico.

INDIAN TERRITORY.—Luke W. Bryan, the mine inspector, reports that the coal business in the Territory is in a flourishing condition; that there has been a great increase in the output of coal, 2,391,688 tons having been produced, as against 1,900,127 tons during the previous year. Many improvements, especially in the matter of the opening of new shafts and slopes, are now well under way, which promise a much greater increase in the matter of actual production during the next year.

Many of the leases for which applications were heretofore made under the Curtis Act have been perfected, and a number of applications have been presented for new leases. The extension of various lines of railroad through the Territory is opening up new coal fields, and many of the States in the Union are evincing an active interest in the coal mines of the Territory. Many of the veins of coal recently opened in the various mines are of a steeper pitch than any that have heretofore been successfully worked. For many years it was thought that it would not be possible to work such veins at a profit, but improved methods, recently inaugurated, have demonstrated the practicability of successfully working such veins.

The inspector called attention to the fact that another feature of the new methods of operating in the Territory is that of sinking deeper shafts, and he expresses the opinion that the coal mining of the future in the Territory must be done through the use of much deeper shafts than have heretofore been sunk.

There are over 280 coke ovens in the Territory, 230 of which are in actual operation, and 50 nearly completed. Eighty of these ovens are operated by the Osage Coal and Mining Company at or near Krebs, Ind. T.; 50 at Alderson and 100 at Howe are operated by the Mexican Gulf Coal and Transportation Company. The latter company, however, is now in the hands of a receiver. The total production of coke for the past year was 34,900 tons. Of the 28 individuals and corporations operating mines within the Territory, all have not submitted reports as to the number of employees, but from those received it may be said that the average number of men employed in the coal mines in the Territory is approximately 4,988.

During the year there were 139 accidents due to various causes, 44 of which were fatal, as against 89 accidents during the previous year, 40 of which were fatal.

The inspector states that considerable effort has been made in the direction of carrying out and making efficacious the act of Congress approved March 3, 1891, for the protection of the lives of miners in the Territories, and to this end he has made many suggestions to the operators in regard to improving the air courses, escape ways for men, the furnishing of sufficient pure air to the face of workings, the institution of shot firers in mines where the coal dust has been considered dangerous and explosive, and the prevention of the employment of children under the age of 16 years.

The inspector states that he has universally been assisted by the mine operators in the discharge of his duties, and that suggestions for the betterment of the condition of men and mines have been cheerfully received and promptly and faithfully carried into effect in the most practical manner possible. He regrets the material increase shown in the number of accidents during the past year over that of the previous, but expresses the opinion, however, that there are periods in the Indian Territory when, owing to the extremely gaseous condition of mines and the explosiveness of the coal dust, there appears to be an epidemic of explosions, and the year just passed is one that has been particularly marked in that regard. As an instance, the explosion at mine No. 5, operated by the Osage Coal and Mining Company, may be cited as one involving greater damage to the mine than has ever been wrought by any mine explosion in the Territory; loss of life, however, was confined to but three men, owing, doubtless, to the employment of shot firers. Results in this case evidence the advisability of the employment of shot firers in all gaseous mines; for, in the case of mine No. 5, there were some 300 or 400 men employed, and had this shot been fired while the men were in the mine, they would, in all probability, have been killed.

Special attention has been given to the character of all the machinery in use, and care was taken to see that all catches were properly bonneted and fully supplied with safety-catch attachments.



The past year has been particularly free from labor troubles, although a nominal strike has been in progress in the Indian Territory, the United Mine Workers' Association having declared the Territorial strike during the whole of the year; nevertheless, the mines have all been able to secure necessary labor and to run on good time. In order to operate the mines successfully during this nominal strike, it was necessary to employ men from the different States, they being more or less inexperienced as to the conditions existing in the mines in the Territory; that fact has, doubtless, been another factor in the increased accidents that have occurred. The inspector, however, expresses the opinion that in the majority of instances accidents have been caused by the deliberate violation of the rules of the company and of those rules and customs which careful and cautious miners always observe.

NEW MEXICO.—Jo E. Sheridan, mine inspector, reports that the provisions of the act of Congress providing for the protection of miners has been strictly enforced, and that the mining industry in the Territory is in an exceedingly prosperous condition. Coal mine owners and operators have done everything within their power to provide for the safety of their employees and to maintain proper sanitary conditions in the mines. The production of coal during the year aggregated 1,187,334 tons, valued at \$1,606,174, an increase of 30,136 tons over the output of the previous year. Scarcity of miners in connection with the protracted strike at Gallup, N. Mex., resulted in the closing down of several large mines, restricting the mining of coal in the Territory materially. Had this strike not interfered the increase in production, it is stated, would have been at least 205,196 tons. This conclusion is reached from the fact that there was abnormal demand for coal by the transportation companies and the coal was already developed in the mines and ready for abstraction, the only factor lacking to insure the increase of production being the labor necessary to mine the coal. During the year 1,523 men and boys were employed in the mines, a decrease in number of employees of 145 in the last year. This decrease in number of employees was due solely to the scarcity of miners and not to lack of employment. Nearly all the more important operators, the inspector states, have agents in these coal-mining sections of the United States and the British possessions seeking to employ miners and pay their fare and expenses to New Mexico.

Twenty accidents were reported, 9 of which were fatal, or 1 life per 135,281 tons of coal mined.

Forty-two thousand seven hundred and thirty-three tons of coke were produced from coals mined in the Territory, which sold at an estimated value of \$2.50 per ton at the ovens.

Coke production is largely on the increase, 100 coke ovens now being in process of construction at Dawson, and several others at different points in the Territory will be constructed in the near future.

McKinley County leads in the production of coal, it having produced during the year 531,215 tons, of a value of \$677,856, against 503,150 tons last year. One thousand and forty-seven men are employed. Colfax County is second, with 332,046 tons, valued at \$334,196, produced, against 394,108 last year, and 275 men employed. Lincoln County is third, with 228 men employed, 172,782 tons produced, against 88,060 last year, the value of the product this year being \$332,264. Santa Fe County is fourth, with 185 men employed and 115,346 tons of coal, worth \$200,740, produced, against 191,139 tons the year previous.

Rio Arriba County produced 51,600 tons, valued at \$69,200, against 35,706 tons the year previous; 66 men employed.

Socorro County produced 14,116 tons, valued at \$27,027, against 6,000 tons the year previous; 64 men employed.

San Juan County produced 425 tons, valued at \$531, against 500 tons the year previous; 5 men employed.

During the year nine new mines were opened or old mines reopened, six in Colfax County, one in Santa Fe, one in McKinley, and one in Socorro County. Three mines were abandoned—two at Blossburg, in Colfax County, and one at Capitan, Lincoln County.

The mine inspector recommends that the law be amended, making the miner as well as the mine owner responsible for dereliction of duty whereby the safety of fellow-workmen or his own may be imperiled.

## NATIONAL PARKS AND RESERVATIONS.

### YELLOWSTONE NATIONAL PARK.

The Yellowstone National Park, set aside by act of March 1, 1872 (17 Stat., 32), is located in the States of Montana and Wyoming, and has an area of 2,142,720 acres. The average altitude is about 8,000 feet.

Capt. John Pitcher, First Cavalry, U. S. A., acting superintendent, reports that he assumed command of the troops in the park and entered upon the duties of acting superintendent May 8, 1901, relieving Capt. George W. Goode, First Cavalry.

The acting superintendent states that he found but one troop of cavalry stationed in the park, and later, on account of the unusually dry season and the large number of camping parties in the park, it was necessary to increase the number. Capt. E. Lindsey was accordingly sent by the Adjutant-General to report for duty, and arrived at Fort Yellowstone, with his troop, August 3. They were at once sent to a camp in Lower Geyser Basin, where they did much hard work and rendered valuable service in extinguishing some large fires.

The very dry season developed the fact that the water supply was entirely too small, and inconvenience was experienced by both tourists and all living at the Mammoth Hot Springs. To remedy this a new reservoir, with a capacity of 2,000,000 gallons of water, has been built and connected with the existing water system. The supply of water is ample for the post of Fort Yellowstone, Mammoth Hot Springs Hotel, and also permits of irrigation for beautifying the plateau upon which the post and hotel are located. Capt. Hiram M. Chittenden, United States Corps of Engineers, made the necessary surveys, prepared the plans, and supervised the work of construction; the funds and material being furnished by the Quartermaster's Department.

There were three large fires during the season. The first, in Gibbon Canyon, was started by a camper traveling through the park who, becoming frightened by a bear, built three large fires about his camp. The patrol compelled him to extinguish them during the night, and he was cautioned as to the danger of forest fires, but he rebuilt the fires after the patrol left and failed to entirely extinguish them. As a result, the fires started up again and developed into a serious conflagration, causing one day's delay in travel on that part of the road. The camper was arrested, brought to Fort Yellowstone, fined \$50 and costs by the United States commissioner, and, being unable to pay his fine, served out his sentence in the post guardhouse.

The origin of the second fire is unknown. It was probably caused by some tourist or fisherman lighting a pipe or cigar and carelessly throwing away a lighted match. This fire kept a troop at work nearly a month. The third fire was caused by lightning and did but little damage, as it was soon extinguished by a heavy rain. These fires commenced before the arrival of Captain Lindsey's troop. With more men to patrol the roads they might have been prevented entirely.

There is scarcely any feature in the park which tourists enjoy more than the trout fishing, which is now to be had in almost any stream in the park. Five different species of trout can be taken within the limits of the park; these are the native or black-spotted trout, the rainbow, the Von Behr, the Loch Leven, and the Eastern brook trout.

On this subject the acting superintendent says:

There is no restriction placed on the fishing in the park save that fish can not be caught and sold for the market, and in order that it may never be necessary to make any restrictions it is strongly urged that a small fish hatchery be established here. If this can be done the streams can be kept so full of trout that it will be impossible for the tourists to deplete them. Mr. D. C. Booth, who is in charge of the United States hatchery at Spearfish, S. Dak., visited the park this summer, and has reported a favorable location for a hatchery on Willow Creek, about 8 miles from the Mammoth Hot Springs. Mr. Booth collected about 1,000,000 eggs from the Yellowstone Lake trout and sent them to the hatchery at Spearfish. He brought into the park and placed in Willow Creek about 10,000 Eastern brook trout, and has just informed me that he now has about the same number of rainbow trout, which can be had on application to the United States Fish Commissioner. Application for them has just been submitted, and as soon as received they will be planted in the Gibbon River.

Prof. Willis L. Moore, Chief of the Weather Bureau, while visiting the park, expressed a desire to establish a weather station in the park. It is believed that such a station would be of advantage to the park as well as to the Weather Bureau. The publication of the temperature during the summer would call attention to the desirability of the park as a summer resort.

About 50 miles of the boundary on the eastern side of the park still remains unsurveyed. It has been estimated by Mr. Edward F. Stahle, who completed the surveys of the north, south, and west boundaries this year, that the unsurveyed portion could be measured and marked for \$3,000, or at the rate of \$60 per mile. The acting superintendent strongly urges that this survey be authorized.

The large game in the park, with the exception of the buffalo, seems to be more numerous than ever; at least, more has been seen. This is believed to be due to the regulation concerning dogs being more strictly enforced the present season. While one small dog would not harm large game, it would drive it back from the roads so none could be seen by the average tourist. As this is one of the most interesting features to visitors, it is desirable they should have an opportunity to see it. Only one case of poaching was reported, where a man was charged with trapping two beavers near Soda Butte. It is thought that there are about 25 buffalo in the park. The elk are numerous, but it is possible that they will be reduced to the number that can live entirely in the park unless something is done to protect them on their winter range—Teton Forest Reserve.

The deer in the park are quite numerous and very tame.

The antelope would undoubtedly have become extinct in the park in a short time but for the fact that Montana has this year passed a law which absolutely prohibits the killing of these beautiful animals, for an indefinite period. This will give them a chance, and they will probably increase very rapidly in the future.

The bear have increased greatly in numbers, and during the past season they have been a source of great amusement and interest to the tourists, at both the Fountain and the Canyon hotels anywhere from fifteen to twenty bear—grizzly, black, and brown—could be seen about the garbage piles every evening. They could also be seen in greater or less numbers at any of the other hotels or lunch stations.

Of the smaller game the beaver have probably increased more rapidly than anything else, and their dams and houses are now to be found in almost all of the smaller streams in the park.

Fort Yellowstone is one of the most neatly built and attractive-looking little posts in the country, but too small for the needs of the park. The acting superintendent recommends that the post be enlarged to a four-troop or squadron post; that a suitable house be constructed for the use of the commanding officer and acting superintendent of the

Rico and subject to disposition by the insular government, as was the case under Spanish domination.

The matter of roads and bridges, particularly from the interior to the seacoast, has claimed the earnest consideration during the past year. The importance of these outlets from the productive coffee, tobacco, and fruit regions is shown, and the means employed to relieve interior communities and encourage the people to clear and cultivate the lands with the assurance of profitable returns are set forth in detail. The total of appropriations from the insular treasury for the fiscal year for contingent expenses and salaries, construction and maintenance of public highways, was \$478,974. The cost of maintenance grows as sections of new road are added, and even now presents an aggregate of expense which forbids contemplation of the construction of roads from insular revenues until the taxable resources shall have been materially augmented or business conditions may warrant a higher tax rate than is now deemed prudent or wise. The commissioner, however, notes that the liberality of the Congress of the United States, as exemplified in the appropriation for refunding customs duties, provided a fund with which many miles of good road may be constructed. A portion of it, under allotment by the President, was applied to road construction by the late military government, and the work of completion has been taken up where the army engineers were compelled to leave off. The balance of the appropriation allotted to road building, it is stated, will be deemed a sacred trust and its expenditure guarded with zealous care, to the end that every dollar paid shall return its equivalent in benefit to the people.

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pay the expenses. The system has been organized on the most economical basis conceivable, a few abandoned offices have been reopened, and the margin of expenditures over receipts has been kept encouragingly small.

The labor of cleaning, examining, classifying, filing, and indexing the old public records committed to the care of the Department has been steadily pursued, and, although the end is not yet in sight, good progress is being made, and the archives will eventually be in shape for ready reference.

In conclusion the commissioner avers that, notwithstanding the deplorable condition of the laboring classes at the time of the cession of Porto Rico to the United States, the awful destruction of life and property and consequent misery and woe wrought by the hurricane of 1899, the injury to trade and commerce caused by the necessary change in the circulating medium, and in spite of pernicious opposition to and malicious representation of the methods and policies adopted and pursued, there are, in all matters relating to the Department of the Interior, evidences of substantial progress made, and the prospects for the future are reasonably bright. There remains much to be done; indeed, it would seem that only a fair beginning has been made, yet the commissioner expresses the belief that with the exercise of patience, industry, wise discretion, and zeal, the speedy habilitation of Porto Rico as a veritable garden spot, rich and prosperous, and the people fully employed, contented, and happy are conditions that may be confidently predicted. Capital is needed for restoration of old plantations, the opening up and cultivation of new estates. Investigation by persons interested in fruit culture has, as a rule, proved satisfactory. Some have invested and are planting; the prospect is that others will soon be at work. It is predicted that in the near future fruits and vegetables will become large and profitable features of the agricultural industry of the island and a leading item in the exports to the United States.

In discussing in my last annual report the legislative needs of Porto Rico I recommended that Congress confer specifically upon the Secretary of the Interior supervision over the public lands in the island; that suitable means be provided, by commission or otherwise, to ascertain the location and the quantity of lands title to which remained in the Crown at the date of the cession of Porto Rico to the United States; that adequate appropriations, coupled with authority for surveys, be made, and that the methods of the disposition of such lands be prescribed by law. The best interests of the island will be subserved by the carrying into effect of these recommendations, and I therefore renew them and urge favorable action thereon.

COMMISSIONER OF EDUCATION FOR PORTO RICO.—Section 25 of the act of Congress approved April 12, 1900, entitled "An act tempora-

rily to provide revenues and a civil government for Porto Rico, and for other purposes," provides as follows:

That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

The report of the commissioner of education for Porto Rico is naturally mostly on account of the public elementary schools of the island as reorganized since the American occupancy. The year 1901 found nearly 34,000 children in school, and the commissioner estimates that next year 50,000 will be enrolled. For these pupils 1,000 teachers will be required.

The total population of the island is 953,243, and the school population, 322,393; the number of schools open at end of year was 733, of which 132 were boys' schools, 71 girls', 528 mixed, and 2 night schools; the average number of schools open each month was 698. The number of buildings in use for schools was 120 in towns and 387 rural, aggregating 507. There were 489 white male teachers employed at end of year, 250 white female, 42 colored male, 31 colored female, aggregating 812 teachers. The total number of American teachers employed during the year was 104.

The number of pupils enrolled at the end of the year was 33,802; of these, 15,542 were white and 5,695 colored, boys, and 8,763 white and 3,802 colored, girls. The total number of boys was 21,237, and of girls, 12,565. The average daily attendance during the year was 23,453. The per cent of total population enrolled in schools was 3.5, and the per cent of colored pupils in total enrollment was 28. Estimated value of all school property was \$213,465.97.

The summer normal school at San Juan was attended by over 800 teachers in 1901. A large building for the normal school is under construction at Rio Piedras, and will be opened about November 21, 1901.

There are 39 new school buildings completed and in use, the teaching corps has been reorganized, a system of agricultural schools gives practical instruction to about 1,000 students, and a high school is in operation at San Juan. The annual budget has been increased from \$400,000 to \$500,000, and the schools are now equipped with all necessary books and supplies, while the school year extends to nine months in the year. There are 100 American teachers now on the island. Free transportation for teachers between New York and San Juan was discontinued in June, 1901. The salary of American teachers is fixed at \$40 per month, for nine months, in cities of less than 5,000 population. In larger cities it is \$50 per month for the same time. Teachers' institutes were held in 15 places in the island during the summer



of 1900 and summer schools were opened in 16 districts. In January, 1901, the sum of \$200,000 was transmitted to the treasurer of Porto Rico from the United States Treasury, by direction of the President, to be used for school buildings, and suitable buildings are in course of construction in all parts of the island. The school maintenance fund of \$501,000, allotted under the civil government, is 25 per cent of the entire insular budget. It is independent of \$235,000 destined for school extension. The free public library in San Juan has 7,400 volumes. Provision has been made by the legislature of the island to send a limited number of young men and women to complete their education in the United States.

#### INSPECTORS OF COAL MINES IN THE TERRITORIES.

By act of Congress approved March 3, 1891 (26 Stat., 1104), the President was authorized to appoint, at an annual compensation of \$2,000 each, a mine inspector in each organized and unorganized Territory of the United States wherein were located coal mines, the aggregate annual output of which would be in excess of 1,000 tons per annum. Appropriation is now made annually by Congress for two such inspectors—one of the Indian Territory and the other of the Territory of New Mexico.

INDIAN TERRITORY.—Luke W. Bryan, the mine inspector, reports that the coal business in the Territory is in a flourishing condition; that there has been a great increase in the output of coal, 2,391,688 tons having been produced, as against 1,900,127 tons during the previous year. Many improvements, especially in the matter of the opening of new shafts and slopes, are now well under way, which promise a much greater increase in the matter of actual production during the next year.

Many of the leases for which applications were heretofore made under the Curtis Act have been perfected, and a number of applications have been presented for new leases. The extension of various lines of railroad through the Territory is opening up new coal fields, and many of the States in the Union are evincing an active interest in the coal mines of the Territory. Many of the veins of coal recently opened in the various mines are of a steeper pitch than any that have heretofore been successfully worked. For many years it was thought that it would not be possible to work such veins at a profit, but improved methods, recently inaugurated, have demonstrated the practicability of successfully working such veins.

The inspector called attention to the fact that another feature of the new methods of operating in the Territory is that of sinking deeper shafts, and he expresses the opinion that the coal mining of the future in the Territory must be done through the use of much deeper shafts than have heretofore been sunk.

There are over 280 coke ovens in the Territory, 230 of which are in actual operation, and 50 nearly completed. Eighty of these ovens are operated by the Osage Coal and Mining Company at or near Krebs, Ind. T.; 50 at Alderson and 100 at Howe are operated by the Mexican Gulf Coal and Transportation Company. The latter company, however, is now in the hands of a receiver. The total production of coke for the past year was 34,900 tons. Of the 28 individuals and corporations operating mines within the Territory, all have not submitted reports as to the number of employees, but from those received it may be said that the average number of men employed in the coal mines in the Territory is approximately 4,988.

During the year there were 139 accidents due to various causes, 44 of which were fatal, as against 89 accidents during the previous year, 40 of which were fatal.

The inspector states that considerable effort has been made in the direction of carrying out and making efficacious the act of Congress approved March 3, 1891, for the protection of the lives of miners in the Territories, and to this end he has made many suggestions to the operators in regard to improving the air courses, escape ways for men, the furnishing of sufficient pure air to the face of workings, the institution of shot firers in mines where the coal dust has been considered dangerous and explosive, and the prevention of the employment of children under the age of 16 years.

The inspector states that he has universally been assisted by the mine operators in the discharge of his duties, and that suggestions for the betterment of the condition of men and mines have been cheerfully received and promptly and faithfully carried into effect in the most practical manner possible. He regrets the material increase shown in the number of accidents during the past year over that of the previous, but expresses the opinion, however, that there are periods in the Indian Territory when, owing to the extremely gaseous condition of mines and the explosiveness of the coal dust, there appears to be an epidemic of explosions, and the year just passed is one that has been particularly marked in that regard. As an instance, the explosion at mine No. 5, operated by the Osage Coal and Mining Company, may be cited as one involving greater damage to the mine than has ever been wrought by any mine explosion in the Territory; loss of life, however, was confined to but three men, owing, doubtless, to the employment of shot firers. Results in this case evidence the advisability of the employment of shot firers in all gaseous mines; for, in the case of mine No. 5, there were some 300 or 400 men employed, and had this shot been fired while the men were in the mine, they would, in all probability, have been killed.

Special attention has been given to the character of all the machinery in use, and care was taken to see that all catches were properly bonneted and fully supplied with safety-catch attachments.

The past year has been particularly free from labor troubles, although a nominal strike has been in progress in the Indian Territory, the United Mine Workers' Association having declared the Territorial strike during the whole of the year; nevertheless, the mines have all been able to secure necessary labor and to run on good time. In order to operate the mines successfully during this nominal strike, it was necessary to employ men from the different States, they being more or less inexperienced as to the conditions existing in the mines in the Territory; that fact has, doubtless, been another factor in the increased accidents that have occurred. The inspector, however, expresses the opinion that in the majority of instances accidents have been caused by the deliberate violation of the rules of the company and of those rules and customs which careful and cautious miners always observe.

NEW MEXICO.—Jo E. Sheridan, mine inspector, reports that the provisions of the act of Congress providing for the protection of miners has been strictly enforced, and that the mining industry in the Territory is in an exceedingly prosperous condition. Coal mine owners and operators have done everything within their power to provide for the safety of their employees and to maintain proper sanitary conditions in the mines. The production of coal during the year aggregated 1,187,334 tons, valued at \$1,606,174, an increase of 30,196 tons over the output of the previous year. Scarcity of miners in connection with the protracted strike at Gallup, N. Mex., resulted in the closing down of several large mines, restricting the mining of coal in the Territory materially. Had this strike not interfered the increase in production, it is stated, would have been at least 205,196 tons. This conclusion is reached from the fact that there was abnormal demand for coal by the transportation companies and the coal was already developed in the mines and ready for abstraction, the only factor lacking to insure the increase of production being the labor necessary to mine the coal. During the year 1,523 men and boys were employed in the mines, a decrease in number of employees of 145 in the last year. This decrease in number of employees was due solely to the scarcity of miners and not to lack of employment. Nearly all the more important operators, the inspector states, have agents in these coal-mining sections of the United States and the British possessions seeking to employ miners and pay their fare and expenses to New Mexico.

Twenty accidents were reported, 9 of which were fatal, or 1 life per 135,281 tons of coal mined.

Forty-two thousand seven hundred and thirty-three tons of coke were produced from coals mined in the Territory, which sold at an estimated value of \$2.50 per ton at the ovens.

Coke production is largely on the increase, 100 coke ovens now being in process of construction at Dawson, and several others at different points in the Territory will be constructed in the near future.

McKinley County leads in the production of coal, it having produced during the year 531,215 tons, of a value of \$677,856, against 503,150 tons last year. One thousand and forty-seven men are employed. Colfax County is second, with 332,046 tons, valued at \$334,196, produced, against 394,108 last year, and 275 men employed. Lincoln County is third, with 228 men employed, 172,782 tons produced, against 88,060 last year, the value of the product this year being \$332,264. Santa Fe County is fourth, with 185 men employed and 115,346 tons of coal, worth \$200,740, produced, against 191,139 tons the year previous.

Rio Arriba County produced 51,600 tons, valued at \$69,200, against 35,706 tons the year previous; 66 men employed.

Socorro County produced 14,116 tons, valued at \$27,027, against 6,000 tons the year previous; 64 men employed.

San Juan County produced 425 tons, valued at \$531, against 500 tons the year previous; 5 men employed.

During the year nine new mines were opened or old mines reopened, six in Colfax County, one in Santa Fe, one in McKinley, and one in Socorro County. Three mines were abandoned—two at Blossburg, in Colfax County, and one at Capitan, Lincoln County.

The mine inspector recommends that the law be amended, making the miner as well as the mine owner responsible for dereliction of duty whereby the safety of fellow-workmen or his own may be imperiled.

## NATIONAL PARKS AND RESERVATIONS.

### YELLOWSTONE NATIONAL PARK.

The Yellowstone National Park, set aside by act of March 1, 1872 (17 Stat., 32), is located in the States of Montana and Wyoming, and has an area of 2,142,720 acres. The average altitude is about 8,000 feet.

Capt. John Pitcher, First Cavalry, U. S. A., acting superintendent, reports that he assumed command of the troops in the park and entered upon the duties of acting superintendent May 8, 1901, relieving Capt. George W. Goode, First Cavalry.

The acting superintendent states that he found but one troop of cavalry stationed in the park, and later, on account of the unusually dry season and the large number of camping parties in the park, it was necessary to increase the number. Capt. E. Lindsey was accordingly sent by the Adjutant-General to report for duty, and arrived at Fort Yellowstone, with his troop, August 3. They were at once sent to a camp in Lower Geyser Basin, where they did much hard work and rendered valuable service in extinguishing some large fires.

The very dry season developed the fact that the water supply was entirely too small, and inconvenience was experienced by both tourist and all living at the Mammoth Hot Springs. To remedy this a new reservoir, with a capacity of 2,000,000 gallons of water, has been built and connected with the existing water system. The supply of water is ample for the post of Fort Yellowstone, Mammoth Hot Springs Hotel, and also permits of irrigation for beautifying the plateau upon which the post and hotel are located. Capt. Hiram M. Chittenden, United States Corps of Engineers, made the necessary surveys, prepared the plans, and supervised the work of construction; the funds and material being furnished by the Quartermaster's Department.

There were three large fires during the season. The first, in Gibbon Canyon, was started by a camper traveling through the park who, becoming frightened by a bear, built three large fires about his camp. The patrol compelled him to extinguish them during the night, and he was cautioned as to the danger of forest fires, but he rebuilt the fires after the patrol left and failed to entirely extinguish them. As a result, the fires started up again and developed into a serious conflagration, causing one day's delay in travel on that part of the road. The camper was arrested, brought to Fort Yellowstone, fined \$50 and costs by the United States commissioner, and, being unable to pay his fine, served out his sentence in the post guardhouse.

The origin of the second fire is unknown. It was probably caused by some tourist or fisherman lighting a pipe or cigar and carelessly throwing away a lighted match. This fire kept a troop at work nearly a month. The third fire was caused by lightning and did but little damage, as it was soon extinguished by a heavy rain. These fires commenced before the arrival of Captain Lindsey's troop. With more men to patrol the roads they might have been prevented entirely.

There is scarcely any feature in the park which tourists enjoy more than the trout fishing, which is now to be had in almost any stream in the park. Five different species of trout can be taken within the limits of the park; these are the native or black-spotted trout, the rainbow, the Von Behr, the Loch Leven, and the Eastern brook trout.

On this subject the acting superintendent says:

There is no restriction placed on the fishing in the park save that fish can not be caught and sold for the market, and in order that it may never be necessary to make any restrictions it is strongly urged that a small fish hatchery be established here. If this can be done the streams can be kept so full of trout that it will be impossible for the tourists to deplete them. Mr. D. C. Booth, who is in charge of the United States hatchery at Spearfish, S. Dak., visited the park this summer, and has reported a favorable location for a hatchery on Willow Creek, about 8 miles from the Mammoth Hot Springs. Mr. Booth collected about 1,000,000 eggs from the Yellowstone Lake trout and sent them to the hatchery at Spearfish. He brought into the park and placed in Willow Creek about 10,000 Eastern brook trout, and has just informed me that he now has about the same number of rainbow trout, which can be had on application to the United States Fish Commissioner. Application for them has just been submitted, and as soon as received they will be planted in the Gibbon River.

Prof. Willis L. Moore, Chief of the Weather Bureau, while visiting the park, expressed a desire to establish a weather station in the park. It is believed that such a station would be of advantage to the park as well as to the Weather Bureau. The publication of the temperature during the summer would call attention to the desirability of the park as a summer resort.

About 50 miles of the boundary on the eastern side of the park still remains unsurveyed. It has been estimated by Mr. Edward F. Stable, who completed the surveys of the north, south, and west boundaries this year, that the unsurveyed portion could be measured and marked for \$3,000, or at the rate of \$60 per mile. The acting superintendent strongly urges that this survey be authorized.

The large game in the park, with the exception of the buffalo, seems to be more numerous than ever; at least, more has been seen. This is believed to be due to the regulation concerning dogs being more strictly enforced the present season. While one small dog would not harm large game, it would drive it back from the roads so none could be seen by the average tourist. As this is one of the most interesting features to visitors, it is desirable they should have an opportunity to see it. Only one case of poaching was reported, where a man was charged with trapping two beavers near Soda Butte. It is thought that there are about 25 buffalo in the park. The elk are numerous, but it is possible that they will be reduced to the number that can live entirely in the park unless something is done to protect them on their winter range—Teton Forest Reserve.

The deer in the park are quite numerous and very tame.

The antelope would undoubtedly have become extinct in the park in a short time but for the fact that Montana has this year passed a law which absolutely prohibits the killing of these beautiful animals, for an indefinite period. This will give them a chance, and they will probably increase very rapidly in the future.

The bear have increased greatly in numbers, and during the past season they have been a source of great amusement and interest to the tourists, at both the Fountain and the Canyon hotels anywhere from fifteen to twenty bear—grizzly, black, and brown—could be seen about the garbage piles every evening. They could also be seen in greater or less numbers at any of the other hotels or lunch stations.

Of the smaller game the beaver have probably increased more rapidly than anything else, and their dams and houses are now to be found in almost all of the smaller streams in the park.

Fort Yellowstone is one of the most neatly built and attractive-looking little posts in the country, but too small for the needs of the park. The acting superintendent recommends that the post be enlarged to a four-troop or squadron post; that a suitable house be constructed for the use of the commanding officer and acting superintendent of the

park, in order that he may properly entertain the many distinguished visitors who come into the park with letters of introduction to him from all parts of the country; also that the post be lighted by electricity instead of by oil, as a matter of safety and convenience. A suitable location for an electric plant can be found within 300 yards of the post, which plant could be run by water power and therefore at a very reasonable cost.

The service provided by the Yellowstone Lake Boat Company has apparently been entirely satisfactory to tourists, but there have been many verbal complaints concerning the excessive charges for the hire of small boats, fishing tackle, etc., by this company. Only one written complaint was received; the others who complained declined to put their statements in writing on the ground that they did not wish to be bothered further about the matter, yet they wished it corrected. The Lake Hotel has been a very popular place on account of the delightfully cool weather always to be found there and the fine fishing in the lake. The acting superintendent recommends, in order to remedy the complaints about the boat question, etc., that some competition be introduced, and suggests that a few naphtha launches would add greatly to the attractions of the lake.

The Yellowstone National Park Transportation Company is the best equipped transportation company in the park. Their teams are excellent and drivers skillful, as shown by the remarkable freedom from accidents during the past season. The company and the Yellowstone Park Association, or hotel company, operated in perfect harmony. The Monida and Yellowstone Stage Company is also well equipped with fine Concord coaches and surreys and has given entire satisfaction to its patrons. Their business shows an increase each year. This company also operated in harmony with the hotel company.

The Yellowstone Park Association has done much to improve its hotels throughout the park. The Mammoth Hotel has been newly painted, a porch added, and the interior fitted up with modern conveniences, bath rooms, porcelain-lined tubs, electric lighting, steam heating, etc. A new and comfortable little hotel has been constructed at Norris Geyser Basin. Fountain Hotel is comfortable and quite modern, having steam and electricity, and is supplied with water from a large hot spring—soft and delightful water for bathing. The association is preparing to build a new hotel at Upper Geyser Basin, where a frame building and tents have afforded acceptable accommodations. The Lake and Canyon hotels have also been improved in appearance and comfort.

The management of the permanent camps by Mr. W. W. Wylie has been satisfactory, except that some of his agents have misrepresented the routes traveled by other transportation companies.

The acting superintendent embodies in his report a letter from Captain Chittenden, United States Engineers, in charge of improvements in the park, containing recommendations as to estimates for next season's work, as follows:

1. *Sprinkling*.—The experiments conducted during the past season of sprinkling a certain stretch of carefully built road has demonstrated the great value of extending this work over the main roads of about 150 miles. It will require one sprinkler and seven filling tanks to every 5 miles. This will cost at the least calculation the sum of \$30,000 and should be included in the estimates for permanent plant, which ought to be procured within the next three years.

2. *Buildings*.—For the use of your troops in patrolling the park, for the use of the Engineer Department when sending parties over the road system, and for the use of the officers of the Government when traveling on duty through the park, the present station houses should be enlarged and improved and certain additional ones should be built. The total number will be 12, and possibly 13, and will cost on the average, if properly built, \$2,000 each, including outhouses, and taking into consideration the great distance to which much of the material will have to be hauled. There should be provided for this purpose the sum of \$25,000.

3. *Work at Mammoth Hot Springs*.—The completion of the new water supply for Fort Yellowstone and the bringing of the waters of Glen Creek to this point have made possible the irrigation of the Mammoth Hot Springs plateau and the conversion of this dusty tract of ground, where the main business of the park is conducted, into permanent turf. This improvement is very urgently needed. To complete it as it should be, and at the same time realign and thoroughly rebuild the roads of the plateau, with proper sidewalk, will cost about \$15,000.

The total estimate for these three purposes is therefore \$70,000.

The acting superintendent urges that the appropriations asked by Captain Chittenden be secured if possible, and, among other things regarding his work, says:

The experiment in road sprinkling has been a decided success, and has added much to the comfort of tourists and kept that portion of the roads which were sprinkled in fine condition, for, in addition to keeping down the dust, the broad tires of sprinkling wagons acted as rollers and kept the roads perfectly smooth and free from ruts.

The work accomplished during the season in the way of improvements is as follows:

New road opened in valley of Gardiner, replacing dangerous road under cliff; includes three steel bridges.

About 1,600 feet of new road built on hill below Mammoth Hot Springs, replacing a 15 per cent grade with one of 8 per cent.

A single-track survey road opened from Glen Creek to Middle Gardiner Falls, 2 miles.

One-fourth mile of very difficult construction in upper end of Golden Gate Canyon.

Entire length of road from Mammoth Hot Springs to Golden Gate resurfaced. Same stretch of road sprinkled throughout the season.

Water supply for Mammoth Hot Springs put in, including the construction of a ditch to carry the water of Glen Creek to Mammoth Hot Springs, the construction of a reservoir holding 1,800,000 gallons, and the laying of a pipe line to connect with the points where supply is to be used.

The construction of about 7 miles of road near Yancey's, the grading of bridge approaches over the Yellowstone, and the survey of the proposed line as far as Tower



Falls and through Granite Canyon on the road to Cooke City. The erection of the Yellowstone bridge has been prevented by failure of the mills to furnish the material, owing to the steel strike.

The construction of 9 miles of road between the Thumb and Lake Hotel to cut out the Lake Shore road.

Construction of 12 miles of road on the eastern approach, carrying that road into the valley of Middle Creek, beyond Sylvan Pass. This work includes the construction of new pile bridges over Yellowstone River and Pelican Creek.

The opening of 6 miles of road near Jackson Lakes and the extensive reconstruction of the southern approach, including new bridges over Lewis River and Crawfish Creek, placing this road in very fair condition from Yellowstone Lake to Buffalo Fork of Snake River, the western terminus of the Fort Washakie military road.

The annual repairs have been extensive and have covered the entire existing system. The roads were all open by the 1st of June, something never before accomplished since the main circuit of the roads was opened. Extensive resurfacing has been done near Norris, in the Lower Geyser Basin, and on the Continental Divide road. About 200,000 feet of lumber has been manufactured, both for new work and the repairs of old bridges. The station houses throughout the park have been placed in repair, temporarily.

Eight cases of violation of the act of Congress providing for the protection of birds and animals in the park were tried before the United States commissioner; seven of the defendants were fined and one was not found within the jurisdiction of the commissioner. Three cases of larceny were brought before him; two of the defendants were held to the district court; in the other case the defendants were not apprehended. In a case of assault the defendant was fined.

The total number of visitors to the park during the season was 10,769. The aggregate number carried over the regular route by the Yellowstone National Park Transportation Company was 3,468; by the Monida and Yellowstone Stage Company, 509; the aggregate number traveling with licensed transportation, 2,186; aggregate number carried by private transportation, 4,112.

During the season 3,378 tourists took the trip across Yellowstone Lake with the Yellowstone Lake Boat Company. Of this number 1,702 entered the park with the Yellowstone National Park Transportation Company, 141 with the Monida and Yellowstone Stage Company, 1,370 with W. W. Wylie, and the balance, 165 people, were other campers.

In my last annual report I adverted to the necessity of extending the boundaries of the Yellowstone National Park to include the Yellowstone and the Teton forest reserves, etc., east and south of the park to afford better protection for the large game, particularly the buffalo and the elk, during the winter season. Congress, however, took no action in the matter, and I therefore deem it advisable to again direct attention to this important subject and to urge that the necessary legislation be enacted at an early day. The steps heretofore taken, with a view to securing legislative action, are fully set forth in

he reports of the Secretary of the Interior for the years 1898, 1899, and 1900, respectively, wherein it is stated, among other things, that—

Under date of February 1, 1898, there was transmitted to Congress a report made on the 12th of January, 1898, by Col. S. B. M. Young, Third United States Cavalry, then acting superintendent of the park, recommending the extension of the limits of the park, and submitting a draft of a bill with a view to carrying the same into effect.

The boundaries as suggested in said bill, which are indicated on a map accompanying the same, would extend the limits of the park so as to embrace the Yellowstone Timber Land Reserve, which lies on the east and south boundaries of the park, and comprises about 1,914 square miles; all that portion of the Teton Forest Reserve lying east of the summit of the Teton Range and comprising about 1,050 square miles, and adjoining the Yellowstone Timber Land Reserve on the south, together with an unreserved area of about 30 square miles at the southwest corner of the park, in Idaho, and an unreserved area of about 260 square miles at the northwest corner, in Montana.

In the forest reserves are fine bodies of timber which it is important should be preserved from fires because of its value as timber, as well as the protection to watersheds and against fires running into the park.

It is reported that during the winter months the large game from the National Park herd roam to a very considerable extent in the areas proposed to be included within the park, and they should have all protection possible from destruction by marauders, who are constantly on the watch for game as it roams out of the park limits. The State game laws are applicable to the forest reserves, and for this reason it is impracticable to prevent the killing of game in the reserves in the same manner and to the same extent as it is prohibited in the park. The superior discipline of regular troops makes a more effective patrol than the civil forest officers, and cavalry can cover a greater extent of territory with more expedition, and is better able to cope with trespassers than are forest rangers.

In view of the importance of protecting this country, which has an international reputation on account of its scenic beauties, and to throw additional safeguards about the big game whose natural home is the National Park, and to protect more effectually the timber embraced in the forest reserves adjoining the park, I think it a wise policy that the additional areas herein described be embraced in and placed under the laws and management relating to the Yellowstone National Park.

**APPROPRIATIONS.**—Congress at its last session, pursuant to a recommendation from this Department, transferred from the War Department to the Secretary of the Interior the supervision of the expenditure of appropriations for protection in this reservation and appropriated the sum of \$5,000 therefor for the current fiscal year, the appropriation for improvements in the park remaining, as heretofore, under the War Department.

From time to time leases of ground for hotel and other purposes have been made, transportation and other privileges for the accommodation of the traveling public in the park have been granted, and the revenues derived therefrom have been covered into the Treasury to be applied to the purposes specified in the act of Congress approved March 1, 1872 (17 Stat., 632), now sections 2474 and 2475, Revised Statutes United States, setting apart the lands therein described, near the headwaters of the Yellowstone River, as a public park or pleasur-

ing ground for the benefit and enjoyment of the people, and placing it under the exclusive control of the Secretary of the Interior.

It is desirable that this fund be available for use in case of the exhaustion of the specific appropriation for the protection of park or any other purpose necessary in the management of the reservation. There is a doubt, however, as to whether under existing law this can be done, as the Comptroller has held it to be a well-settled rule of construction of the accounting officers that where an appropriation is made for a specific object that appropriation is exclusive, although there may be another appropriation which, but for the special appropriation, would have been available, and that the fact that the specific appropriation is inadequate or has become exhausted does not make the other appropriation available. (1 Comp. Dec., 126, 236, 417; 3 id., 353.) To the end, therefore, that there may be no question as to the authority of the Secretary to expend the park revenues for proper administrative and protective purposes in the reservation, I have to recommend that the following paragraph be incorporated in the sundry civil bill when it shall receive consideration by Congress, to wit:

For the administration and protection of the Yellowstone National Park, to be expended under the direction of the Secretary of the Interior, who is authorized in his discretion to use the moneys derived from leases and other privileges in the reservation for the improvement, administration, and protection thereof, \$13,320.

#### YOSEMITE NATIONAL PARK.

This park is situated in Tuolumne, Mariposa, and Mono counties, Cal., and covers an area of about 1,512 square miles, being 36 miles wide and about 42 miles long. The lands embraced therein were set aside by act of Congress approved October 1, 1890 (26 Stat., 650), and were placed under the supervision of the Secretary of the Interior.

By the act of Congress approved June 6, 1900 (31 Stat., 618), the Secretary of War was authorized and directed, upon the request of the Secretary of the Interior, to detail troops for the protection of the national parks in California. Pursuant to the requirements of the statute, Maj. L. A. Craig, Fifteenth Cavalry, U. S. A., was detailed for duty in the reservation as acting superintendent. He reports that he entered upon the discharge of his duties June 17, having under his command, for the purpose of patrolling, guarding, and enforcing the regulations of the park, Troop H of the Fifteenth Cavalry. The main camp, as in previous years, was established at Wawona.

During the season patrols have been kept constantly moving in different parts of the reservation, looking for trespassers and hunters. Only one drove of cattle was found trespassing on the reservation, which was driven off, and one large herd of sheep with four herders in charge. The sheep were driven beyond the park limits, and the herders ejected from the park.

Guards have been kept at the principal entrances of the park at all times, thereby preventing anyone, excepting those coming in over trails, from bringing in firearms.

There have been several fires in the park during the season, caused in almost every instance by the carelessness of campers, but, owing to the vigilance of the troops, they were extinguished with but little or no damage.

Game, principally deer, quail, and grouse, is very plentiful, and, though a large number of firearms have been taken up from persons in the reservation and returned to the owners on leaving, not a single instance was reported where tourists or campers disregarded the regulations as to hunting.

There were 9,000 visitors in the park during the season, being 4,000 more than last year. About two-thirds of the visitors this season were campers.

The regulations now in force in the park were prescribed in 1890 at the time the reservation was set aside and do not cover conditions as they now exist in the reservation. New ones should be promulgated, containing very stringent provisions regarding campers. The latter have become somewhat troublesome, and good evidence has been found that this class of visitors have used dynamite or similar high explosives to kill trout. Furthermore, it appears that every fire that has occurred during the past summer within the park or outside of its limits (some of which were very dangerous) was caused by the indifference, carelessness, and no doubt in some instances by the criminal acts of the campers.

There are in the park  $53,931\frac{1}{10}\frac{5}{10}$  acres of patented lands and three claims, embracing  $327\frac{9}{10}\frac{1}{10}$  acres, on which patents have not yet issued. The Department has always recognized the rights of owners, transferees, or lessees of such lands to use the same for all lawful purposes, and there has been practically no interference in the use and enjoyment of such property, except in cases where it was desired to graze sheep or cattle thereon or cut and remove timber therefrom. In such cases the metes and bounds of the lands have uniformly been required to be marked and defined so as to enable the officer intrusted with the duty of protecting the reservation to determine whether the lands from which timber is cut, or on which stock is to be grazed, were within the limits of the patented lands or on the park lands. It is also required that in removing timber from the reservation, or in taking animals to and from patented lands, that it should be done under the supervision of such officers and over the roads and trails of the park. While no trouble has been had during the past year with owners of this class of lands, and they have shown a disposition to conform to the rules and regulations, yet, judging from past experience in the management of the park, friction is liable to arise at any time. For administrative

purposes it would be better if private holdings were eliminated from the park, and to that end Congress should authorize the purchase of these lands or extend to the national parks in California so much of the act of Congress approved June 4, 1897 (30 Stat., 36), as permits the relinquishment by owners of tracts of land in the several forest reservations and the selection in lieu thereof of vacant lands in other localities which are open to settlement.

The report calls attention to a petition of owners of patented lands for permission to use the park lands, in which it is stated, among other things, that—

It is well known that during the many years prior to the establishing of the park, fires were less frequent than at the present time. \* \* \* The cattle and horses ate down, to a considerable extent, the grass and underbrush, thus leaving no great quantity of substance for fire, while without their presence this undergrowth is so rank \* \* \* that it becomes impossible to check the fire when once under headway. This is well established, as the fire within the park in 1899 burned for over two months and destroyed thousands of acres of timber and forest growth, and no parallel instance has been known in all the years the mountains were occupied before the park was established. The undergrowth is now becoming so thick that in the spring season, as the sap therein begins to rise in the trees or shrubs, it creates a heat that melts the snow earlier than where there is no timber, consequently the more dense the timber and undergrowth is, the less beneficial is it in conserving the snow; and it may also be noted that game is becoming scarcer in the park each year, which fact may be attributed to the lack of sustenance for the wild animals therein, thereby resulting in the destruction of birds' eggs and young deer, while heretofore death among horses and cattle contributed largely toward the foods of the forest animals.

If cattle and horses were permitted to be grazed within the park under such conditions and restrictions as are placed upon persons who graze their stock within the forest reserve, the park and its natural conditions would be better preserved.

The superintendent, after due consideration of this petition, based upon the best evidence which, he states, he has been able to obtain, recommends that owners of private lands in the park be allowed to graze cattle, under certain restrictions, on lands near their own premises, under the supervision of the park authorities; that permits for this privilege be granted by the superintendent, subject to immediate cancellation where any violation occurs.

By act of Congress approved February 15, 1901 (31 Stat., 790), the Secretary of the Interior is authorized and empowered to grant rights of way in the park for telephone and telegraph purposes and for water conduits, reservoirs for irrigation, mining or quarrying, manufacturing, and other purposes. No grants, however, have been made as yet under this act.

By act of Congress approved March 3, 1901 (31 Stat., 1162), \$4,000 was appropriated for the construction of bridges, fencing, and trails, and improvement of roads, other than toll roads, to be expended under the supervision of the Secretary of the Interior.

Pursuant to such authority, contract was entered into for the construction of a bridge across Wet Gulch, on the trail leading from Suspension Bridge over Merced River to the Coulterville road, and the construction of a trail from each end of said bridge to connect with trail previously constructed, for the sum of \$1,000. This work, the superintendent reports, is progressing rapidly, and will probably be finished before the troops leave the reservation.

Contracts for other work in the park were entered into as follows: For the repair of a trail from the head of Hetch Hetchy Valley to Til Till Valley, a distance of 5 miles, for the sum of \$650; for the construction of a bridge at the head of Hetch Hetchy Valley, over the Tuolumne River, for \$800; for the repair of the road and construction of a small bridge thereon from Hodgsons ranch to the South Fork of the Tuolumne River, about  $1\frac{1}{2}$  miles, for \$125; for the repair of the trail leading into the Poopino Valley from Hetch Hetchy Valley trail, 4 miles, for \$350; for the construction of a bridge, with side railing, over Rancheria Creek, near Hetch Hetchy Valley, for \$450, and for repairing the trail from Camp A. E. Wood to Alder Creek, a distance of 5 miles, for \$240.

The superintendent recommends that the following trails and roads be repaired during the next fiscal year, to wit:

Trail from head of Chilnualna Falls to Devils Post Pile, a distance of about 38 miles, to cost about \$1,500; for construction of trail from Clouds Rest trail to Lake Merced, a distance of about 5 miles, to cost about \$500; repair of trail from Til Till trail east side of Rancheria Creek to The Sink, a distance of about 10 miles, to cost about \$1,000; repair of trail from Poopino Valley to Lake Eleanor, a distance of about 9 miles, to cost about \$1,000; repair of trail from headwaters of San Joaquin River to head of Bloody Canyon, a distance of about 30 miles, to cost about \$2,500; repair of trail from Lake Tenya to White Cascades on Tuolumne River, a distance of about 9 miles, to cost about \$700; repair of trail from Lake Eleanor to Lake Vernon, a distance of about 11 miles, to cost about \$650; repair of trail from Lake Vernon to Til Till Valley, a distance of about 8 miles, to cost about \$600; for the construction of a bridge over Tuolumne River near Lambert Soda Springs, to cost about \$1,000, and to be constructed in such a way that the floor can be removed in the winter months to prevent being broken down by snow—it is not necessary for this bridge to be over 5 feet in width, as it can only be used by saddle and pack animals; for construction of a trail from Lake Ostrander to Crescent Lake, a distance of about 7 miles, to cost about \$900.

#### SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

Sequoia Park is located in Tulare County, Cal., and has an area of about 250 square miles. It was set aside by act of Congress approved September 25, 1890 (26 Stat., 478), and placed under the control of the Secretary of the Interior.

By act of Congress approved June 6, 1900 (31 Stat., 618), the Secretary of War was authorized and directed, upon the request of the Secretary of the Interior, to detail troops for the protection of these parks.

Pursuant to the provisions of this act L. C. Andrews, captain and quartermaster, Fifteenth Cavalry, U. S. A., was detailed for duty in charge of the reservation as acting superintendent, and reports that he arrived with Troop I and went into camp at Kaweah, on the Hop-ping Range, on June 19, 1901. Reconnoissances of trails and detachment camp sites were made as rapidly as possible, and one detail sent to open up the South Fork trail to Hocketts Meadows. The main camp was made on the bluff overlooking Old Colony Mill and the canyons of the Kaweah and East Branch of the North Fork, in order to be near to the work on the Giant Forest road. Detachments were established in various parts of the park, and by diligent patrolling have been able to keep it under close observation. As soon as a road is opened to the Giant Forest a permanent camp site should be selected and suitable buildings erected for the accommodation of the troops, and also at the supply camp at Kaweah.

The first point of interest in the park is the Giant Forest of Sequoias, and to make this accessible a fine mountain road is now in process of construction; when completed it will connect with the country road from Visalia, Cal. The survey for the further extension of the road into the forest is progressing rapidly and through a picturesque country; its direction is such as to admit of its extension to Kings River Canyon in case Congress sees fit to include that in the park.

At the beginning of the season the Old Colony Mill road, made impassable by the winter storms, was repaired and extended a distance of a little over 2 miles at an expense of \$600. This new road was constructed at less cost per mile than was required in the repairing of last year's road, as here the work could be largely done by teams instead of hand. A substantial bridge constructed on this road is an attractive feature thereof. The best of timbers have been used, the foundations are solid native rock, and the workmanship good.

The early opening of the Giant Forest road is an important consideration to the traveling public. The acting superintendent suggests the placing of the work in the hands of one man, thoroughly familiar with the conditions of mountain-road building, ready to organize his working force by May 1. A great saving in time and money can be effected by working the ground when moist, before the long dry season has made it hard and unworkable. Necessarily, the first work to be done during May is the repairing and widening of Old Colony Mill road, as it is very narrow, often causing an hour's delay, hard work, and no little danger when teams meet, and parts of it are in a dangerous condition. In order that the road may be put in proper condition and extended, the whole extension being about 6 miles long, an appropriation of \$20,000 will be required, which Congress should make immediately available.

The addition of another forest ranger for duty in the park has facilitated the work of constructing new trails therein and straightening the old ones. The first trail constructed during the season was from the end of the new road across the ford in the Marble Fork and to Round Meadow in Giant Forest. This made the forest accessible for saddle and pack animals, and several tourists have taken advantage of it during the past season. Acting upon the proposition of the acting superintendent, the Visalia Board of Trade extended the trail beyond the Giant Forest, past the General Sherman tree to the north line of the park into Kings River Canyon. Another important trail has been put in from the forest to Alta Meadow and Panoramic Point, and passing within a few hundred feet of the top of Panther Peak, a lookout of no mean value.

Personal inspection has been made of the Clough and Palmer caves, both being located in the limestone belt that traverses the park.

The Clough Cave is in the rocky side of the canyon of the South Fork, five hours from Kaweah post-office. A good trail will be opened to it by the beginning of next season. In formation it is but a tunnel, varying in width and in height from 3 to 12 and 15 feet. The first 100 feet are perpendicular to the face of the cliff, the floor practically level. It then turns to the left and parallels the face for about 400 feet, the last 150 feet being on a plane some 8 feet higher and ending in a circular loop 100 feet in circumference. This has been a beautiful cave for stalactites, stalagmites, and pillars, but these have been broken by the hundred, while all are blackened by the smoke of the pine torches used in its exploration. It could be protected from further depredation by constructing an iron grating and gate at its entrance; the acting superintendent, however, regards the beauty of the cave as too much impaired to justify the expenditure of any large sum of money for its proper protection.

The Palmer Cave is situated high in the mountain range to the northeast of the Clough, and about six hours from Kaweah, on the old Hockett trail. This is quite different in formation, being a large cavern in the ground, with an irregular opening in the roof about 10 by 20 feet. Through this it is necessary to be lowered by rope tackle, a drop of 60 feet, into the end of a vaulted cavern about 150 feet long, the floor sloping rapidly down away from the entrance, the roof perhaps 50 feet high at its highest, the sides very irregular, due to caving off of large rock masses, the greatest width being about 50 feet; thence through a low opening one climbs into another large cavern generally circular in shape, 100 feet in diameter and about 30 feet high, in which are beautiful stalactites and stalagmites and one noticeably beautiful pillar, and beyond is another room, long and narrow. The beauties of this cave are unimpaired and the specimens quite perfect, and are



worthy of preservation. As other caves are being heard of, a thorough investigation of the matter should be had next season.

The acting superintendent recommends that each of the small mountain meadows on main trails in the park be fenced for the accommodation of tourists, whose stock must depend on grazing for feed. This could be done at little expense by using in the construction thereof the down timber, which must be cleared up in any event to lessen the danger from fires. The county road along the North Fork, connecting with the Giant Forest road, is now obstructed by gates at farm lines, but an arrangement has been made with the road commissioner at Visalia to have these gates removed and the road fenced during the winter, also to repair the county roadbed. The park line should be fenced where it crosses the South Fork Canyon with a gate on the trail; a mile and a half will close this entrance to stock and remove the present temptation of the many acres of fine pasturage on Bald Mountain.

The deer in the park are increasing in number and apparently becoming more tame in the absence of hunting; black and brown bear are also numerous, while grouse and mountain quail are very plentiful and tame. Many streams are already stocked with trout, and tourists can always get fresh trout to eat, caught in a few moments.

The sheep have gone out of the country, and that annoyance seems to be past. The stockmen have nowhere attempted to enter the park unlawfully, and now that it is believed that the people of the State and Congress are interested in developing the park, it seems to be the spirit of the community to observe park regulations.

During the season five forest fires have been controlled and extinguished, two in the Giant Forest itself. The acting superintendent recommends that stockmen be allowed to graze their herds in the park, unless it be found that this lessens the storage capacity of the mountains for the summer supply of water for irrigation, as such a course, if pursued, will result in the present accumulation of fine grasses, ferns, and underbrush being eaten by the cattle, thus lessening the danger from fires.

The acting superintendent expresses the opinion that an official investigation of private holdings within the park, of which there are several even within the Giant Forest, will disclose the fact that some of these claims, under a strict reading of the law, especially some classed as "swamp and overflowed land," are not valid. No private claims, he states, should be allowed if it really be intended to make a national park of this tract of land, and action should be taken to absorb them in the public ownership.

In this park there are  $972\frac{87}{100}$  acres of patented lands and one claim of 40 acres on which patent has not yet issued, and in the General Grant National Park there are 160 acres of patented lands. The atten-

tion of Congress has been repeatedly called to the advisability of the requirement by the Government of the title of all private lands within this and the other national parks in California, but without effect. The extinguishment of the title to all private holdings within these reservations, either through purchase by the Government or the extension to the parks the provisions of the act of June 4, 1897 (30 Stat., 36), so as to permit the relinquishment by owners of patented lands herein, and the selection in lieu thereof of vacant lands in other localities which are open to settlement, would result in better administration.

The acting superintendent recommends that steps be taken to construct a telephone line in the park, as it is almost a necessity that the main camp of troops up in the mountains be connected by wire to the line at the camp at Three Rivers, and it would also be of great value to the road work and to business men who may wish to visit the park.

**GENERAL GRANT PARK.**—This park is situated in Mariposa County, Cal., and is but 2 miles square, its one attraction being the two groves of sequoias, one of which contains the very large tree called the General Grant. During the season \$2,500 have been expended in improvements, the park has been completely fenced, and the "Stevens grade" was sufficiently repaired to admit the getting of teams into the park, but is still a poor and dangerous road. It could be replaced by 2 miles of good grade at a cost of \$4,000, and this is recommended.

Within the park a good road has been constructed from the entrance,  $2\frac{1}{2}$  miles, through the first and to the second sequoia grove, passing close to the General Grant tree and lacking but a half mile of connecting with the Converse Basin road. This can be completed for \$300.

One thousand dollars has already been expended on cleaning up the rubbish and down timber in the sequoia grove, thus protecting the trees from fire and adding to the appearance of the park, and a similar amount should be allotted for this work next season.

The acting superintendent strongly recommends that one man be employed as a permanent guard in this park, as during the absence of the troops it is unprotected for eight months of the year; souvenir hunters have left traces of their presence during that period, as a great many pieces of bark have been cut from the General Grant tree; this is injurious to the tree and if continued will kill it in a few years. Such a guard will not only protect the park, but keep the fence and road in repair.

It is estimated that the following sums will be required for the management and protection of these reservations during the next fiscal year, to wit: Sequoia Park, \$25,000; General Grant Park, \$3,000.

Appended to the report of the acting superintendent is a copy of his instructions to the park rangers.

## MOUNT RANIER NATIONAL PARK.

By the act of Congress approved March 2, 1899 (30 Stat., 993), a portion of certain lands in the State of Washington, known as the Pacific Forest Reserve, was set aside as a public park, to be known as the Mount Ranier National Park.

Section 2 of this act provides, *inter alia*:

That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

Section 5 provides:

That the mineral land laws of the United States are hereby extended to the lands lying within the said reservation and said park.

No regulations for the government of the park and "for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park and their retention in their natural condition," as required by the act, have been promulgated by the Department, for the reason that it would not be practicable to prescribe suitable regulations, the enforcement of which would not prevent or interfere with the exploration, development, location, occupation, and purchase, under the mineral-land laws, of any mineral lands lying within said reserve.

In previous annual reports, in discussing the status of this national park, attention was directed to the desirability of repealing section 5 of the act of March 2, 1899 (30 Stat., 993), and for the providing of a penalty for violation of any regulations prescribed for the government of the park, as well as the making of appropriations for the protection of the reservation. Several applications have been presented to the Department for transportation and other privileges for the accommodation of the traveling public in this park, but the consideration thereof has necessarily been declined, owing to the fact that no regulations for the government of the park had been promulgated.

In renewing my recommendations in this matter I desire most earnestly to urge early Congressional action thereon.

## HOT SPRINGS RESERVATION.

The report of the superintendent of the Hot Springs Reservation shows that the Hot Springs of Arkansas continues to add to its reputation as a health resort, and each succeeding year adds to its renown. The patronage accorded to this great national sanitarium during the fiscal year 1901 exceeds all previous records, which he considers a most flattering testimonial to its worth. The number of visitors during the year is stated to be 55,000, and the total number of baths given 673,921.

The wisdom of the retention, control, and supervision of these wonderful waters under the fostering care of the National Government has been fully demonstrated since the Government took charge in 1878. The springs are now the property of all the people, free from monopoly and extortion and within the reach of all.

The Hot Springs Reservation at present contains 911.63 acres. The original reservation was established by act of Congress approved April 20, 1832, and contained 2,529.10 acres. By the act of March 3, 1877 (19 Stat., 376), the appointment of commissioners was authorized to lay out into squares, blocks, lots, avenues, and streets certain tracts of land in the county of Garland, State of Arkansas, known as the Hot Springs Reservation; the appointment of a superintendent thereof by the Secretary of the Interior, and the levying of a tax on water taken from the springs authorized to be used in improvement of the reservation. With the exception of 157 lots, all of the lands except the 911.63 acres have been disposed of by the Government, and the districts known as North Mountain, West Mountain, Sugar Loaf Mountain, together with Hot Springs Mountain, were forever reserved from sale and dedicated to public use as parks by act of Congress approved June 16, 1880. (21 Stat., 288.)

The total number of hot springs is 46, and the total flow is 830,000 gallons in twenty-four hours, and range in temperature from 97.2° to 147° F. The springs have been walled up with brick and arches sprung over the top, with manhole entrances to prevent pollution and allow opportunity for repairs to pipe connections. The water is conveyed through iron pipes to the various bathing establishments and Government reservoirs. The waters are administered both internally and by immersion through the various forms of the baths. The experience of resident physicians demonstrates that the following list of diseases are successfully treated by the use of the baths: Rheumatism, gout, stiff joints, skin diseases, scrofula, catarrh, syphilis, nervous affections, paralysis, spinal diseases, sciatica, specific locomotor ataxia, dyspepsia, uterine diseases, malaria, blood disorders of a chronic character, and alcoholism. While the above list practically covers the

various diseases benefited, experience and experiments are demonstrating the value of the waters in some diseases in which they were formerly supposed to be contraindicated.

There have been 25 leases for hot-water privileges issued to date, 21 of which are active bath houses, 2 are sanatoriums, 1 on which no bath house has been erected, and 1 to the Hot Springs Medical Company for manufacturing medicine. These bath houses operate 542 tubs, which pay water rents to the Government at the rate of \$30 per tub per annum. The basis of allowance per tub daily is 1,000 gallons, which requires 542,000 gallons. The charge for baths at the various bath houses is fixed by the Secretary of the Interior, and no house is permitted to charge more than said rate. They are operated under rules and regulations prepared by the Department, the execution of which is placed in the hands of the superintendent.

The monthly reports of the various lessees, required by the rules and regulations, show the past year has been one of unusual prosperity; the volume of business has exceeded all former patronage; a better feeling pervades the management of the different houses; a more liberal spirit is manifested in attention given to details of equipment, furnishings, and general accommodations for the comfort and convenience of the public. Improvements for the betterment of the properties are being made from time to time, stimulated by a healthy competition. One new house has been erected during the year under a new lease, and one new house has been erected under unexpired terms of old lease; another new house is under construction under its present lease.

The rates for a course of twenty-one baths and for single baths now in force are as follows:

Name of bath house.	Course of 21 baths.	Single bath.	Name of bath house.	Course of 21 baths.	Single bath.
Arlington .....	\$10.00	\$0.50	Ozark .....	\$4.00	\$0.25
Alhambra .....	5.00	.30	Ozark Sanitarium.....	6.00	.35
Avenue .....	6.00	.35	Park .....	8.00	.45
Eastman .....	10.00	.50	Palace .....	7.00	.40
Great Northern.....	7.00	.40	Rockafellow's.....	6.00	.35
Hale .....	7.00	.40	Rector .....	7.00	.40
Horseshoe .....	5.00	.30	Rammelsberg.....	3.00	.20
Hot Springs .....	7.00	.40	Superior .....	6.00	.35
Imperial .....	8.00	.45	St. Joseph's Infirmary.....	6.00	.35
Lamar .....	7.00	.40	Waverly .....	6.00	.35
Magnesia .....	5.00	.30	Moody .....	8.00	.45
Maurice .....	7.00	.40			

The following table shows the several individuals and corporations now holding leases for hot water from the Government reservation, together with the date and expiration of each lease:

Name of bath house.	Lessees.	Tubs.	Date of lease.	Expiration of lease.
Alhambra .....	Alhambra Bath House Co .....	40	Feb. 28, 1894	Feb. 28, 1914
Arlington .....	Arlington Hotel Co .....	40	Mar. 3, 1892	Mar. 2, 1912
Avenue .....	Avenue Hotel Co .....	20	Feb. 17, 1898	Dec. 31, 1902
Ozark Sanitarium .....	Butterick Publishing Co .....	8	Sept. 16, 1898	Sept. 16, 1905
Eastman .....	New York Hotel Co .....	40	May 12, 1892	May 12, 1912
Great Northern .....	Curnel S. Williamson .....	19	May 25, 1897	May 15, 1912
Hale .....	Roots & Eastman .....	26	Jan. 1, 1893	Dec. 31, 1907
Horseshoe .....	D. Fellows Platt .....	30	Jan. 1, 1895	Dec. 31, 1909
Hot Springs .....	Mark J. Smith .....	16	Jan. 1, 1893	Dec. 31, 1902
	Hot Springs Medical Co .....	4	July 24, 1894	July 24, 1904
Imperial .....	Fred N. Rix and J. L. Barnes .....	25	Jan. 1, 1892	Dec. 31, 1906
Lamar .....	M. C. Tombler and D. C. Buckstaff .....	40	Jan. 1, 1897	Dec. 31, 1916
Magnesia .....	Chas. B. Platt .....	30	Jan. 1, 1895	Dec. 31, 1909
Maurice .....	Maurice, Convers & Maurice .....	21	Jan. 1, 1897	Dec. 31, 1916
Ozark .....	I. W. Chart and F. B. Latta .....	22	Jan. 1, 1892	Dec. 31, 1902
Palace .....	Samuel W. Fordyce .....	23	Jan. 12, 1893	Dec. 31, 1906
Park .....	Park Hotel Co .....	40	May 12, 1892	May 12, 1912
Rector .....	Henry M. Rector .....	12	Apr. 16, 1894	Apr. 16, 1904
Rockafellow's .....	Chas. N. Rockafellow .....	18	Lease expired .....	.....
St. Joseph's Infirmary .....	Sister Mary Aloysius .....	4	Dec. 31, 1896	Dec. 31, 1901
Sumpter .....	John J. Sumpter .....	8	Mar. 7, 1894	Mar. 7, 1904
Superior .....	Robert Proctor and Chas. N. Rix .....	16	Sept. 15, 1896	Sept. 14, 1906
Waverly .....	New Waverly Hotel Co .....	20	Mar. 24, 1893	Mar. 24, 1913
Rammelsburg .....	Jeanette Hogaboom, Aaron H. and Milo R. Buckstaff .....	18	Jan. 1, 1899	Jan. 1, 1909
Moody .....	Nicholas M. Moody .....	10	July 1, 1900	June 30, 1910

The lease of Charles N. Rockafellow expired June 30, 1901.

Under the authority of the Department an official analysis of the waters of the hot springs on the reservation was commenced in the fall of 1900, under the immediate supervision of Prof. J. K. Haywood, of the Bureau of Chemistry of the Agricultural Department, who was detailed for the purpose by the Secretary of Agriculture. The work, which is still in progress, will probably be completed in December of 1901, when the results will be made public. Great interest is being manifested as to this analysis, and the report, when issued, will doubtless be in great demand.

The total amount received for baths during the year was \$163,358.80. The amount invested in bath houses, the superintendent says, can be conservatively estimated at \$500,000. After deducting water rents, operating expenses, repairs, taxes, and insurance, he concludes that the bath-house business, under present conditions, can be considered a good investment.

The violation of the rule prohibiting drumming to bath houses is the prolific source of much annoyance and vexation. Especially is

take time when the city government licenses the practice under the laws of Arkansas. On this subject the superintendent says:

The rule prohibiting drumming for barn houses was established for the protection of both the public and barn houses, and the latter compliance with which appears more as the result of the barn houses than the public, which has sought to be exempted from compliance. It is the commissions paid most of the drummers that has operated against the public's interest, when the Government has the right to regulate or banish and establish the attendance fees, furnish the water and establish the other rules and regulations as their need, it is believed that it and would control the measure, not feeling necessary. If we have stopped the drumming, the barn-house drumming has not been materially diminished or destroyed. A rule prohibiting drumming in the general neighborhood of the town is considered better than a rule which, when applied to the usual and ordinary business transactions, is regarded as out and reprehensible in the extreme when applied to the business practice of trafficking in the sick and debilitated people who come here for cure.

The serious cause of the trouble is drumming to doctors, the regulation of which belongs primarily to the municipality. Whenever the cause of doctor drumming is destroyed, the drumming in other forms of it will fade into insignificance as a national menace, as they are mere incidents or adjuncts to it. The solution of this problem is completed after having to the decisions of the courts, which recognize it as legal under the laws of the State.

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Pursuant to the provisions of this statute, there was set apart by the Hot Springs commissioners 3.62 acres of land, known as block 114, in the city of Hot Springs, and the same was dedicated as the land granted by the United States in the county of Garland, in the city of Hot Springs, as a site for a public building. The county, however, never occupied any of the land so dedicated, but located its court-house and jail at a considerable distance therefrom on other land.

As indicating the purposes for which this tract of land was used by the county authorities, it may be stated that in January, 1880, the county judge of Garland County assumed to lease said land from said county to Baxter & Moore for a term of ninety-nine years for a total rental of \$1,025, and these lessees entered into possession and subdivided the lot and sublet considerable portions thereof to innocent par-



ties, who expended considerable sums of money in building upon and improving the same.

In January, 1881, suit was brought in the name of the State of Arkansas for the use of Garland County against Baxter & Moore and their sublessees and the said county judge, to obtain to the county the exclusive title to and possession of said land. The circuit court of Garland County sustained a demurrer to the amended bill filed, "for want of proper parties plaintiff," but the supreme court of the State, in May, 1882, reversed this ruling and remanded the case for further proceedings.

Subsequently said court declared said lease to be a fraud upon Garland County and set the same aside, and following this decision, in January, 1890, a final decree was entered in the circuit court of the State declaring the county to be the owner of block No. 114, adjudging the lease void, and carrying a judgment against said county in favor of the owners of the improvements of \$6,144.89, and giving the occupants the right to hold the land until they were repaid by rents or otherwise.

As soon as these facts became known to the Department the matter was brought to the attention of the Department of Justice, with a view to the institution of proceedings against the city of Hot Springs and the county of Garland to recover to the United States the title and the possession of the land known as block 114 in the city of Hot Springs, but the Attorney-General held that, in the absence of any action on the part of Congress declaring a forfeiture or directing the institution of a suit, he would not be warranted in instituting proceedings to recover to the United States the title and possession of the lands granted by section 19 of the act of March 3, 1877.

Under the circumstances, therefore, I have to suggest the advisability of the repeal by Congress of section 19 of the act above mentioned for failure on the part of the county of Garland to use the land granted for the purposes specified in the act, and that the same be disposed of at public sale in the same manner as other lots belonging to the Government in the city of Hot Springs are disposed of, the proceeds of such sale to be applied, as required by existing law, to the management and protection of the reservation.

The act of Congress approved March 3, 1901 (31 Stat., 1188), making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, provides, among other things—

Sec. 4. That the Secretary of the Interior be, and is hereby, authorized and directed to determine the value of certain condemned buildings formerly located on Hot Springs Mountain Reservation, and on the east side of Valley street, in the city of Hot Springs, in the State of Arkansas, which buildings were condemned by the Hot Springs Commission, and proof of value taken by said commission, under authority of law, and which were destroyed by fire on the night of the 5th day of March, 1877,

before said commission had issued certificates for the value thereof, as they were authorized and directed, and did afterwards do for buildings similarly situated, but not burned. That the value of each building so condemned and burned shall be determined by the Secretary from the petitions and evidence filed before said commission by the owners or occupiers thereof, by order of said commission, and now on file in the Interior Department, or such other evidence as the claimants may file, and after such investigation as he may think proper.

SEC. 5. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him.

SEC. 6. That the Secretary of the Interior is required to report to Congress the results of his action under the foregoing sections.

Pursuant to the requirements of this statute, I have to report that up to the present time 23 claims have been presented thereunder, 18 of which are still pending, and the remainder, 5, have been allowed as follows, to wit: The estate of Maria Gaines, deceased, late of Hot Springs, Ark., \$15,377; Algernon S. Garnett, of Hot Springs, Ark., \$1,500; William P. Blake, formerly of Hot Springs, now of Washington, D. C., \$2,000; Mrs. Jane Baird, Hot Springs, Ark., \$2,000; and John C. Morris and Fleta L. Morris, of Hot Springs, Ark., \$2,350.

#### CASA GRANDE RUIN.

Located near Florence, Ariz., is one of the noteworthy relics of a prehistoric age and people living within the limits of the United States. The land on which it is located is part of 480 acres reserved from settlement by Executive order dated June 22, 1892. At the date of discovery by one Padre Kino, in 1694, it was in a ruinous condition, and since that time has been a subject of record by explorers and historians. The structure is built of the material known as cajon—that is, puddled clay molded into walls and dried in the sun, and of perishable character.

This memorable ruin, the custodiar, Mr. H. B. Mayo, reports, is fast falling into decay; that the walls by reason of their age and the action of the elements are rapidly crumbling, and that some action must be immediately taken to prevent the same from entirely disappearing.

He recommends that a roof of asphalt or corrugated iron be placed over the structure, leaving an opening on the sides and overreaching the same, in order that the rain may be prevented from touching the sides; that the walls of the ruin be filled in with cement to prevent their further decay, and also that the ruins be inclosed by high barbed-wire fence in order to exclude trespassers.

These repairs he regards as necessary to the preservation of the ruin, and estimates that \$2,200 would be sufficient to cover the expenses of same.

I therefore recommend that the above sum be appropriated by Congress for the preservation of this remarkable ruin.

### ELEEMOSYNARY INSTITUTIONS.

An act of Congress entitled "An act to establish a board of charities for the District of Columbia," approved June 6, 1900 (31 Stat., 664), provides, among other things, that said board of charities—

shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character, which are supported in whole or in part by appropriations of Congress made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care.

The Attorney-General, on the 12th of October, 1900, in construing this act, held that the Government Hospital for the Insane, Freedmen's Hospital, the Columbian Institution for Deaf and Dumb, and the Washington Hospital for Foundlings, created by prior laws and placed under the supervision of the Secretary of the Interior, came within the terms of said act of June 6, 1900, and that—

with the exception that the board of charities is given the general supervision of these institutions, and, under the order of the District Commissioners, the power of investigation, with the duty of submitting a report and recommendations to Congress, the powers and duties of the Secretary of the Interior are unchanged by the act of June 6, 1900, and remain the same as before its enactment.

In discussing this subject in my last annual report I directed attention to the fact that a divided supervision or control over the class of institutions enumerated, particularly where the lines of division are uncertain and not easily understood, would tend to embarrass the immediate management of each institution and to materially detract from the desired standard of excellence. For that reason, which applies with equal force at this time, I desire to earnestly renew my previous recommendation that as to each of said institutions, the authority, etc., of the board of charities be transferred to the Secretary of the Interior, or the authority and responsibility of the Secretary of the Interior be transferred to the board of charities.

Furthermore, that considering the character and purpose of each institution and the extent of the supervisory authority of the Secretary of the Interior over the same prior to the passage of the act above mentioned, probably the best results could be obtained if the adminis-

tration of the affairs of the Columbian Institution for the Deaf and Dumb and the Washington Hospital for Foundlings devolve wholly upon the board of charities, and the supervision of the affairs of the Government Hospital for the Insane and the Freedmen's Hospital and Asylum were placed exclusively under the supervision of the Secretary of the Interior.

#### THE GOVERNMENT HOSPITAL FOR THE INSANE.

The annual report of the board of visitors shows that the affairs of the hospital have continued satisfactory during the year. Both in the care and treatment of the patients and in the physical improvement of most of the departments of the institution there has been substantial progress. The number of patients in the hospital at the beginning of the year was 2,076; there were admitted during the year 655, making a total of 2,731 under treatment. During the year there were 226 deaths, 235 were discharged recovered, 77 improved, 17 unimproved, leaving on the records at the close of the year 2,176, divided as follows: Army, 847; Navy, 123; Marine-Hospital Service, 31; from civil life, 1,175.

The increase in the population the past five years is as follows: In 1896, 33; in 1897, 32; in 1898, 86; in 1899, 85, and in 1900, 138.

The number of patients remaining in hospital at the close of the year is 100 greater than were present at the close of the year previous; the admissions for the year numbered 655, a considerably larger number than have been admitted in any previous year. As compared with the preceding years the proportion of those remaining who were received from the Army, Navy, and Marine-Hospital Service is slightly reduced from 46.14 per cent to 46 per cent.

The percentage of recoveries was 42.34 of the total discharges and deaths, a rate higher than for any year of the past decade, the highest percentage during that period being 36.56 for the year 1898-99. This increase is attributed principally to the larger number of admissions of young men in whom the disease existed in more favorable form. The deaths were 10.93 per cent of the average number resident during the year, a rate slightly above the average of 10.44 per cent for the past ten years.

The proportion of colored has slightly increased from 18.6 per cent at the beginning of the year to 18.84 per cent at the close. The proportion of women has also slightly increased from 23 per cent to 23.75 per cent of the whole population.

The venerable and highly esteemed president of the board of visitors, Rev. Byron Sunderland, D. D., passed away on the 30th of June, 1901; he was a member of the board of visitors for sixteen years, five of which as its president. He took an active interest in the work of the hospital, and his loss is to be deplored.

Great progress has been made in the training school for nurses; the resulting systematic development of practical nursing in all the hospital wards has had a noticeable effect in stimulating the physicians and nurses to greater efforts in providing for the patients the best that their opportunities afforded. A class of 26 nurses was graduated at the expiration of a course of two years of about eight months each, on May 31 of this year; and 12 of the female nurses are now employed in the male hospital wards where their work has been eminently satisfactory.

The pathological department has been enlarged by the purchase of a bacteriological equipment, and an assistant to the pathologist has been employed for the more especial object of developing the clinical work. Blood examination for malaria and typhoid fever are required in every suspected case. Urinalysis is made in every case admitted, and preparations are under way to begin a study of stomach digestion and the effects upon it of the administration of various remedies, including hypnotics. Every case of tuberculosis is isolated as soon as possible, and opportunities for infection of other patients carefully guarded against.

The following improvements, upon which work was commenced during the last year, have been completed, to wit: A new store building, including sewing room, tailor shop, office for the bookkeepers, and a cold-storage plant; the new waterworks, including 6 additional wells, which have been drilled to an average depth of 225 feet, the water therefrom being raised by compressed air to a reservoir holding about 120,000 gallons, from which it is pumped to a tank in the water tower having a capacity of 60,000 gallons. The pressure, with the tank half full, is about 50 pounds at the ground level, sufficient to throw a large stream of water over any of the buildings. Hose carts, with 200 feet of hose on each, will be located at convenient points about the buildings and grounds, and these, in connection with chemical extinguishers, placed in the wards and rooms of the hospital, provide ample means to prevent the extension of fire and for its prompt extinguishment. Rules for the guidance of officers and employes, in case of fire, are in course of preparation, and a fire drill will be one of the regular duties. A railroad switch, about 4,400 feet long, extending from the Alexandria branch of the Baltimore and Ohio Railroad to the boiler house of the hospital, and with two sidings, each about 500 feet in length, has been completed at a total cost of \$22,000. A trestle has also been constructed at the power house for dumping coal cars.

A large amount of repairs has been made on the dairy barn, and a silo, holding 200 tons of ensilage, has been constructed and filled for winter feed. The stock in the dairy is gradually being renewed, and it is confidently expected that by next spring it will provide the entire amount of

milk required for the hospital. A locomotive has been purchased at a cost of \$1,950, which will be valuable in the delivery of goods to the institution and in the carrying of material for the hospital buildings now in process of erection. As the Baltimore and Ohio railroad, which runs through the hospital grounds, exacted an additional rate of 20 cents per ton for delivering freight in carloads from its line up the Government switch, it is regarded as more economical and much more convenient for the hospital to have its own engine for hauling purposes. With the appropriation for roads, grading, etc., for the extension of the hospital, a suitable roadway is being constructed from the railroad switch or siding at the boiler house to the site of the buildings of the extension. Under the appropriation of \$25,000 for a stable, plans for such a building, to be located on the east side of Nichols avenue near the dairy barns and facing the avenue, were prepared for one capable of accommodating 60 horses and mules, with abundant room for carriages, farm wagons, and carts. After due advertisement, contract for the work was let to the lowest bidder; the work has begun, and it is expected that the building will be completed within six months.

The crowded condition of the hospital was brought to the attention of Congress during the first session of the Fifty-sixth Congress, and in the sundry civil act approved June 6, 1900 (31 Stat., 619), provision was made for the preparation of plans for the extension of the hospital to accommodate 1,000 patients, in the following terms, to wit:

The board of visitors and the superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for one thousand patients. Said extension shall be of fireproof construction and suitable for all special classes of acute insanity. Said plans shall include all necessary domestic buildings and all buildings required for the proper care of one thousand patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed nine hundred and seventy-five thousand dollars, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract or contracts for the extension of the hospital as herein specified, upon lands already owned by the Government or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of fifty thousand dollars.

Accordingly, plans and sketches from a number of firms of architects were solicited, and from those submitted the plans of Messrs. Shepley, Rutan & Coolidge, of Boston, Mass., providing for 15 buildings in all, were accepted as being the most desirable for use in connection with the extension of the Government Hospital for the Insane.

The plans, as finally approved, provided a liberal allowance of accommodations for 1,000 patients and 200 employees, together with heating, lighting, and plumbing complete as far as comprised in these buildings, and also included a building designed for administration and office pur-

various diseases benefited, experience and experiments are demonstrating the value of the waters in some diseases in which they were formerly supposed to be contraindicated.

There have been 25 leases for hot-water privileges issued to date, 21 of which are active bath houses, 2 are sanatoriums, 1 on which no bath house has been erected, and 1 to the Hot Springs Medical Company for manufacturing medicine. These bath houses operate 542 tubs, which pay water rents to the Government at the rate of \$30 per tub per annum. The basis of allowance per tub daily is 1,000 gallons, which requires 542,000 gallons. The charge for baths at the various bath houses is fixed by the Secretary of the Interior, and no house is permitted to charge more than said rate. They are operated under rules and regulations prepared by the Department, the execution of which is placed in the hands of the superintendent.

The monthly reports of the various lessees, required by the rules and regulations, show the past year has been one of unusual prosperity; the volume of business has exceeded all former patronage; a better feeling pervades the management of the different houses; a more liberal spirit is manifested in attention given to details of equipment, furnishings, and general accommodations for the comfort and convenience of the public. Improvements for the betterment of the properties are being made from time to time, stimulated by a healthy competition. One new house has been erected during the year under a new lease, and one new house has been erected under unexpired terms of old lease; another new house is under construction under its present lease.

The rates for a course of twenty-one baths and for single baths now in force are as follows:

Name of bath house.	Course of 21 baths.	Single bath.	Name of bath house.	Course of 21 baths.	Single bath.
Arlington .....	\$10.00	\$0.50	Ozark .....	\$4.00	\$0.25
Alhambra .....	5.00	.30	Ozark Sanitarium.....	6.00	.35
Avenue.....	6.00	.35	Park .....	8.00	.45
Eastman .....	10.00	.50	Palace .....	7.00	.40
Great Northern.....	7.00	.40	Rockafellow's.....	6.00	.35
Hale .....	7.00	.40	Rector .....	7.00	.40
Horseshoe .....	5.00	.30	Rammelsberg.....	3.00	.20
Hot Springs .....	7.00	.40	Superior .....	6.00	.35
Imperial.....	8.00	.45	St. Joseph's Infirmary.....	6.00	.35
Lamar.....	7.00	.40	Waverly .....	6.00	.35
Magnesia.....	5.00	.30	Moody .....	8.00	.45
Maurice .....	7.00	.40			

The following table shows the several individuals and corporations now holding leases for hot water from the Government reservation, together with the date and expiration of each lease:

Name of bath house.	Lessees.	Tubs.	Date of lease.	Expiration of lease.
Alhambra .....	Alhambra Bath House Co .....	40	Feb. 28, 1894	Feb. 28, 1914
Arlington .....	Arlington Hotel Co .....	40	Mar. 3, 1892	Mar. 2, 1912
Avenue .....	Avenue Hotel Co .....	20	Feb. 17, 1898	Dec. 31, 1902
Ozark Sanitarium .....	Butterick Publishing Co .....	8	Sept. 16, 1898	Sept. 16, 1905
Eastman .....	New York Hotel Co .....	40	May 12, 1892	May 12, 1912
Great Northern .....	Curnel S. Williamson .....	19	May 25, 1897	May 15, 1912
Hale .....	Roots & Eastman .....	26	Jan. 1, 1893	Dec. 31, 1907
Horseshoe .....	D. Fellows Platt .....	30	Jan. 1, 1895	Dec. 31, 1909
Hot Springs .....	Mark J. Smith .....	16	Jan. 1, 1895	Dec. 31, 1902
	Hot Springs Medical Co .....	4	July 24, 1894	July 24, 1904
Imperial .....	Fred N. Rix and J. L. Barnes .....	25	Jan. 1, 1892	Dec. 31, 1906
Lamar .....	M. C. Tomblor and D. C. Buckstaff .....	40	Jan. 1, 1897	Dec. 31, 1916
Magnesia .....	Chas. B. Platt .....	30	Jan. 1, 1895	Dec. 31, 1909
Maurice .....	Maurice, Convers & Maurice .....	21	Jan. 1, 1897	Dec. 31, 1916
Ozark .....	I. W. Chart and F. B. Latta .....	22	Jan. 1, 1892	Dec. 31, 1902
Palace .....	Samuel W. Fordyce .....	23	Jan. 12, 1893	Dec. 31, 1906
Park .....	Park Hotel Co .....	40	May 12, 1892	May 12, 1912
Rector .....	Henry M. Rector .....	12	Apr. 16, 1894	Apr. 16, 1904
Rockafellow's .....	Chas. N. Rockafellow .....	18	Lease expired	
St. Joseph's Infirmary .....	Sister Mary Aloysius .....	4	Dec. 31, 1896	Dec. 31, 1901
Sumpter .....	John J. Sumpter .....	8	Mar. 7, 1894	Mar. 7, 1904
Superior .....	Robert Proctor and Chas. N. Rix .....	16	Sept. 15, 1896	Sept. 14, 1906
Waverly .....	New Waverly Hotel Co .....	20	Mar. 24, 1893	Mar. 24, 1913
Rammelsburg .....	Jeanette Hogaboom, Aaron H. and Milo R. Buckstaff .....	18	Jan. 1, 1899	Jan. 1, 1909
Moody .....	Nicholas M. Moody .....	10	July 1, 1900	June 30, 1910

The lease of Charles N. Rockafellow expired June 30, 1901.

Under the authority of the Department an official analysis of the waters of the hot springs on the reservation was commenced in the fall of 1900, under the immediate supervision of Prof. J. K. Haywood, of the Bureau of Chemistry of the Agricultural Department, who was detailed for the purpose by the Secretary of Agriculture. The work, which is still in progress, will probably be completed in December of 1901, when the results will be made public. Great interest is being manifested as to this analysis, and the report, when issued, will doubtless be in great demand.

The total amount received for baths during the year was \$163,358.80. The amount invested in bath houses, the superintendent says, can be conservatively estimated at \$500,000. After deducting water rents, operating expenses, repairs, taxes, and insurance, he concludes that the bath-house business, under present conditions, can be considered a good investment.

The violation of the rule prohibiting drumming to bath houses is the prolific source of much annoyance and vexation. Especially is



this true when the city government licenses the practice under the laws of Arkansas. On this subject the superintendent says:

The rule prohibiting drumming for bath houses was established for the protection of both the public and bath houses, and the faithful compliance with which operates more to the benefit of the bath houses than the public, which fact ought to be an incentive to rigidly adhere to it, as the commissions paid must come directly from their own pockets. So far as the public is concerned, when the Government fixes the maximum charges for baths and establishes the attendants' fees, furnishes the water, and establishes all other rules and regulations for their benefit, it would seem that it had accomplished the full measure of protection necessary. If we accomplished the total suppression of bath-house drumming it would not materially diminish the real evil of drumming. While drumming or soliciting, in the general acceptance of the term, is considered neither immoral nor illegal when applied to the usual and ordinary business transactions, it becomes odious and reprehensible in the extreme when applied to the nefarious practice of trafficking in the sick and debilitated people who come here for relief.

The serious phase of the drumming evil is drumming to doctors, the regulation of which belongs principally to the municipality. Whenever the curse of doctor drumming can be entirely eliminated, other forms of it will fade into insignificance as a natural consequence, as they are mere incidents or adjuncts to it. The solution of this problem is considered difficult owing to the decisions of the courts, which recognize it as legal under the laws of the State.

The evil effects of doctor drumming lies in the deflection of the patient from the honorable, conscientious, and competent physician to some incompetent, conscienceless practitioner whose ignorance and extortion works almost irreparable injury to the sick, and much of the success of this kind of drumming is consummated through misrepresentation and falsehood. The growth of public sentiment against it and the dissemination of warning information and intelligent directions before the visitor leaves home will gradually work its destruction. Much of the open and obnoxious forms of drumming which existed formerly have been replaced by the indirect and more refined systems, which, however, in their effects are none the less iniquitous. Time and spread of useful information will reduce the practice to a minimum.

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As indicating the purposes for which this tract of land was used by the county authorities, it may be stated that in January, 1880, the county judge of Garland County assumed to lease said land from said county to Baxter & Moore for a term of ninety-nine years for a total rental of \$1,025, and these lessees entered into possession and subdivided the lot and sublet considerable portions thereof to innocent par-

ties, who expended considerable sums of money in building upon and improving the same.

In January, 1881, suit was brought in the name of the State of Arkansas for the use of Garland County against Baxter & Moore and their sublessees and the said county judge, to obtain to the county the exclusive title to and possession of said land. The circuit court of Garland County sustained a demurrer to the amended bill filed, "for want of proper parties plaintiff," but the supreme court of the State, in May, 1882, reversed this ruling and remanded the case for further proceedings.

Subsequently said court declared said lease to be a fraud upon Garland County and set the same aside, and following this decision, in January, 1890, a final decree was entered in the circuit court of the State declaring the county to be the owner of block No. 114, adjudging the lease void, and carrying a judgment against said county in favor of the owners of the improvements of \$6,144.89, and giving the occupants the right to hold the land until they were repaid by rents or otherwise.

As soon as these facts became known to the Department the matter was brought to the attention of the Department of Justice, with a view to the institution of proceedings against the city of Hot Springs and the county of Garland to recover to the United States the title and the possession of the land known as block 114 in the city of Hot Springs, but the Attorney-General held that, in the absence of any action on the part of Congress declaring a forfeiture or directing the institution of a suit, he would not be warranted in instituting proceedings to recover to the United States the title and possession of the lands granted by section 19 of the act of March 3, 1877.

Under the circumstances, therefore, I have to suggest the advisability of the repeal by Congress of section 19 of the act above mentioned for failure on the part of the county of Garland to use the land granted for the purposes specified in the act, and that the same be disposed of at public sale in the same manner as other lots belonging to the Government in the city of Hot Springs are disposed of, the proceeds of such sale to be applied, as required by existing law, to the management and protection of the reservation.

The act of Congress approved March 3, 1901 (31 Stat., 1188), making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, provides, among other things—

SEC. 4. That the Secretary of the Interior be, and is hereby, authorized and directed to determine the value of certain condemned buildings formerly located on Hot Springs Mountain Reservation, and on the east side of Valley street, in the city of Hot Springs, in the State of Arkansas, which buildings were condemned by the Hot Springs Commission, and proof of value taken by said commission, under authority of law, and which were destroyed by fire on the night of the 5th day of March, 1877,

before said commission had issued certificates for the value thereof, as they were authorized and directed, and did afterwards do for buildings similarly situated, but not burned. That the value of each building so condemned and burned shall be determined by the Secretary from the petitions and evidence filed before said commission by the owners or occupiers thereof, by order of said commission, and now on file in the Interior Department, or such other evidence as the claimants may file, and after such investigation as he may think proper.

SEC. 5. That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him.

SEC. 6. That the Secretary of the Interior is required to report to Congress the results of his action under the foregoing sections.

Pursuant to the requirements of this statute, I have to report that up to the present time 23 claims have been presented thereunder, 18 of which are still pending, and the remainder, 5, have been allowed as follows, to wit: The estate of Maria Gaines, deceased, late of Hot Springs, Ark., \$15,377; Algernon S. Garnett, of Hot Springs, Ark., \$1,500; William P. Blake, formerly of Hot Springs, now of Washington, D. C., \$2,000; Mrs. Jane Baird, Hot Springs, Ark., \$2,000; and John C. Morris and Fleta L. Morris, of Hot Springs, Ark., \$2,350.

#### CASA GRANDE RUIN.

Located near Florence, Ariz., is one of the noteworthy relics of a prehistoric age and people living within the limits of the United States. The land on which it is located is part of 480 acres reserved from settlement by Executive order dated June 22, 1892. At the date of discovery by one Padre Kino, in 1694, it was in a ruinous condition, and since that time has been a subject of record by explorers and historians. The structure is built of the material known as cajon—that is, puddled clay molded into walls and dried in the sun, and of perishable character.

This memorable ruin, the custodiar, Mr. H. B. Mayo, reports, is fast falling into decay; that the walls by reason of their age and the action of the elements are rapidly crumbling, and that some action must be immediately taken to prevent the same from entirely disappearing.

He recommends that a roof of asphalt or corrugated iron be placed over the structure, leaving an opening on the sides and overreaching the same, in order that the rain may be prevented from touching the sides; that the walls of the ruin be filled in with cement to prevent their further decay, and also that the ruins be inclosed by high barbed-wire fence in order to exclude trespassers.

These repairs he regards as necessary to the preservation of the ruin, and estimates that \$2,200 would be sufficient to cover the expenses of same.

I therefore recommend that the above sum be appropriated by Congress for the preservation of this remarkable ruin.

### ELEEMOSYNARY INSTITUTIONS.

An act of Congress entitled "An act to establish a board of charities for the District of Columbia," approved June 6, 1900 (31 Stat., 664), provides, among other things, that said board of charities—

shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character, which are supported in whole or in part by appropriations of Congress made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care.

The Attorney-General, on the 12th of October, 1900, in construing this act, held that the Government Hospital for the Insane, Freedmen's Hospital, the Columbian Institution for Deaf and Dumb, and the Washington Hospital for Foundlings, created by prior laws and placed under the supervision of the Secretary of the Interior, came within the terms of said act of June 6, 1900, and that—

with the exception that the board of charities is given the general supervision of these institutions, and, under the order of the District Commissioners, the power of investigation, with the duty of submitting a report and recommendations to Congress, the powers and duties of the Secretary of the Interior are unchanged by the act of June 6, 1900, and remain the same as before its enactment.

In discussing this subject in my last annual report I directed attention to the fact that a divided supervision or control over the class of institutions enumerated, particularly where the lines of division are uncertain and not easily understood, would tend to embarrass the immediate management of each institution and to materially detract from the desired standard of excellence. For that reason, which applies with equal force at this time, I desire to earnestly renew my previous recommendation that as to each of said institutions, the authority, etc., of the board of charities be transferred to the Secretary of the Interior, or the authority and responsibility of the Secretary of the Interior be transferred to the board of charities.

Furthermore, that considering the character and purpose of each institution and the extent of the supervisory authority of the Secretary of the Interior over the same prior to the passage of the act above mentioned, probably the best results could be obtained if the adminis-

tration of the affairs of the Columbian Institution for the Deaf and Dumb and the Washington Hospital for Foundlings devolve wholly upon the board of charities, and the supervision of the affairs of the Government Hospital for the Insane and the Freedmen's Hospital and Asylum were placed exclusively under the supervision of the Secretary of the Interior.

#### THE GOVERNMENT HOSPITAL FOR THE INSANE.

The annual report of the board of visitors shows that the affairs of the hospital have continued satisfactory during the year. Both in the care and treatment of the patients and in the physical improvement of most of the departments of the institution there has been substantial progress. The number of patients in the hospital at the beginning of the year was 2,076; there were admitted during the year 655, making a total of 2,731 under treatment. During the year there were 226 deaths, 235 were discharged recovered, 77 improved, 17 unimproved, leaving on the records at the close of the year 2,176, divided as follows: Army, 847; Navy, 123; Marine-Hospital Service, 31; from civil life, 1,175.

The increase in the population the past five years is as follows: In 1896, 33; in 1897, 32; in 1898, 86; in 1899, 85, and in 1900, 138.

The number of patients remaining in hospital at the close of the year is 100 greater than were present at the close of the year previous; the admissions for the year numbered 655, a considerably larger number than have been admitted in any previous year. As compared with the preceding years the proportion of those remaining who were received from the Army, Navy, and Marine-Hospital Service is slightly reduced from 46.14 per cent to 46 per cent.

The percentage of recoveries was 42.34 of the total discharges and deaths, a rate higher than for any year of the past decade, the highest percentage during that period being 36.56 for the year 1898-99. This increase is attributed principally to the larger number of admissions of young men in whom the disease existed in more favorable form. The deaths were 10.93 per cent of the average number resident during the year, a rate slightly above the average of 10.44 per cent for the past ten years.

The proportion of colored has slightly increased from 18.6 per cent at the beginning of the year to 18.84 per cent at the close. The proportion of women has also slightly increased from 23 per cent to 23.75 per cent of the whole population.

The venerable and highly esteemed president of the board of visitors, Rev. Byron Sunderland, D. D., passed away on the 30th of June, 1901; he was a member of the board of visitors for sixteen years, five of which as its president. He took an active interest in the work of the hospital, and his loss is to be deplored.

Great progress has been made in the training school for nurses; the resulting systematic development of practical nursing in all the hospital wards has had a noticeable effect in stimulating the physicians and nurses to greater efforts in providing for the patients the best that their opportunities afforded. A class of 26 nurses was graduated at the expiration of a course of two years of about eight months each, on May 31 of this year; and 12 of the female nurses are now employed in the male hospital wards where their work has been eminently satisfactory.

The pathological department has been enlarged by the purchase of a bacteriological equipment, and an assistant to the pathologist has been employed for the more especial object of developing the clinical work. Blood examination for malaria and typhoid fever are required in every suspected case. Urinalysis is made in every case admitted, and preparations are under way to begin a study of stomach digestion and the effects upon it of the administration of various remedies, including hypnotics. Every case of tuberculosis is isolated as soon as possible, and opportunities for infection of other patients carefully guarded against.

The following improvements, upon which work was commenced during the last year, have been completed, to wit: A new store building, including sewing room, tailor shop, office for the bookkeepers, and a cold-storage plant; the new waterworks, including 6 additional wells, which have been drilled to an average depth of 225 feet, the water therefrom being raised by compressed air to a reservoir holding about 120,000 gallons, from which it is pumped to a tank in the water tower having a capacity of 60,000 gallons. The pressure, with the tank half full, is about 50 pounds at the ground level, sufficient to throw a large stream of water over any of the buildings. Hose carts, with 200 feet of hose on each, will be located at convenient points about the buildings and grounds, and these, in connection with chemical extinguishers, placed in the wards and rooms of the hospital, provide ample means to prevent the extension of fire and for its prompt extinguishment. Rules for the guidance of officers and employes, in case of fire, are in course of preparation, and a fire drill will be one of the regular duties. A railroad switch, about 4,400 feet long, extending from the Alexandria branch of the Baltimore and Ohio Railroad to the boiler house of the hospital, and with two sidings, each about 500 feet in length, has been completed at a total cost of \$22,000. A trestle has also been constructed at the power house for dumping coal cars.

A large amount of repairs has been made on the dairy barn, and a silo, holding 200 tons of ensilage, has been constructed and filled for winter feed. The stock in the dairy is gradually being renewed, and it is confidently expected that by next spring it will provide the entire amount of

milk required for the hospital. A locomotive has been purchased at a cost of \$1,950, which will be valuable in the delivery of goods to the institution and in the carrying of material for the hospital buildings now in process of erection. As the Baltimore and Ohio railroad, which runs through the hospital grounds, exacted an additional rate of 20 cents per ton for delivering freight in carloads from its line up the Government switch, it is regarded as more economical and much more convenient for the hospital to have its own engine for hauling purposes. With the appropriation for roads, grading, etc., for the extension of the hospital, a suitable roadway is being constructed from the railroad switch or siding at the boiler house to the site of the buildings of the extension. Under the appropriation of \$25,000 for a stable, plans for such a building, to be located on the east side of Nichols avenue near the dairy barns and facing the avenue, were prepared for one capable of accommodating 60 horses and mules, with abundant room for carriages, farm wagons, and carts. After due advertisement, contract for the work was let to the lowest bidder; the work has begun, and it is expected that the building will be completed within six months.

The crowded condition of the hospital was brought to the attention of Congress during the first session of the Fifty-sixth Congress, and in the sundry civil act approved June 6, 1900 (31 Stat., 619), provision was made for the preparation of plans for the extension of the hospital to accommodate 1,000 patients, in the following terms, to wit:

The board of visitors and the superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for one thousand patients. Said extension shall be of fireproof construction and suitable for all special classes of acute insanity. Said plans shall include all necessary domestic buildings and all buildings required for the proper care of one thousand patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed nine hundred and seventy-five thousand dollars, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract or contracts for the extension of the hospital as herein specified, upon lands already owned by the Government or upon such suitable lands as may be donated to the Government within the District of Columbia for that purpose, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of fifty thousand dollars.

Accordingly, plans and sketches from a number of firms of architects were solicited, and from those submitted the plans of Messrs. Shepley, Rutan & Coolidge, of Boston, Mass., providing for 15 buildings in all, were accepted as being the most desirable for use in connection with the extension of the Government Hospital for the Insane.

The plans, as finally approved, provided a liberal allowance of accommodations for 1,000 patients and 200 employees, together with heating, lighting, and plumbing complete as far as comprised in these buildings, and also included a building designed for administration and office pur-



poses. Proposals for the work were duly solicited through the medium of the press, and when those received were opened it was found that the proposal of the lowest bidder, Messrs. Horton & Hemenway, of Providence, R. I., was largely in excess of the appropriation available for the work.

Two years ago, when the estimates were submitted to Congress of the amount required for the construction of an extension of the hospital, prices of building material and of labor were such as to justify the belief that for the amount desired provision could be made in the plans, not only for buildings for the accommodation of 1,000 patients and the necessary number of employees, but for a much-needed administration and office building and a modern heating and lighting plant for the entire hospital. Subsequently, however, there was such a decided advance in the prices of material, labor, etc., as to increase the cost for construction at least one-third, which, in all probability, accounts for the failure to secure a bid for all the work covered by the plans within the available appropriation. The pressing needs of the hospital for additional room demanded that, if possible, there should be no further delay in the commencement of the work of construction; the conditions of the appropriation required that the buildings should be fireproof and adapted to the needs of the special classes of acute insane. Under these conditions an effort was made to eliminate such buildings from the plans as it was believed could be omitted without conflicting with the requirements of the law. Accordingly, in the exercise of the right reserved to the Secretary of the Interior in the proposals for the work, the administration and two other buildings were dispensed with, leaving remaining 12 buildings, the construction of which was regarded as absolutely necessary.

The specifications for these several buildings were carefully examined and such changes therein made as was believed would not impair the safety or efficiency of the buildings. The first appropriation of \$50,000 was reserved for the payment of the architects' fees, printing, advertising, and certain incidental expenses relating to the preparation for the work of construction. Of the appropriation of \$925,000, made in the act of Congress approved March 3, 1901 (31 Stat., 1163), and hereinafter referred to, \$15,000 was reserved for the expenses of superintendence and such incidentals as related thereto, and the balance, \$910,000, was fixed as the sum available for the work of constructing the 12 buildings. By omitting the buildings above referred to and making all the changes deemed advisable in those remaining, the proposal of the lowest bidder, Messrs. Horton & Hemenway, was brought within the limit of the amount allotted for the work and the contract for the construction of the extension of the Government Hospital for the Insane for that sum, under the modified specifications, was entered into with them on the 6th day of September, 1901, the

work to commence October 7, 1901, and to be completed in 550 working days. In the act making appropriation for the sundry civil expenses of the Government during the fiscal year ending June 30, 1902, approved March 3, 1901 (31 Stat., 1163), provision is made, among other things:

For continuing the work of the extension of the hospital sufficient to provide for one thousand patients, as authorized by the sundry civil appropriation act approved June sixth, nineteen hundred, nine hundred and twenty-five thousand dollars, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing sixty acres, more or less, east of Nichols avenue and south of Congress Heights, for sixty acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre. And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria, and known as Godding Croft, for eighty acres, more or less, lying immediately adjoining this said sixty acres and south of the present building site of the hospital. In case such exchange is made the Secretary is also authorized in his discretion to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding ninety feet in width. Any of the buildings authorized in the sundry civil appropriation act approved June sixth, nineteen hundred, for the Government Hospital for the Insane may be erected on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane.

Pursuant to the authority contained in this act efforts were made to effect an exchange of lands, but after repeated attempts it has been found to be impracticable to get those owning or controlling the lands in question to make any exchange on what the Department regards as an equitable basis. The buildings of the extension, therefore, will be located partly on the farm lands east of Nichols avenue and partly on the present building site of the hospital. The failure, however, to make the exchange of lands in question has not been permitted to retard the word of construction, the contractors having commenced active work on the extension some time ago. Their contract includes all the necessary buildings for accommodating 1,000 patients of all the special classes and 200 employees. The buildings are complete, including heating apparatus, lighting, ventilation, and plumbing; they are fireproof, modern in every respect, and include all the requirements for the most enlightened care and treatment of these classes of insane, as well as dining, serving, operating, and all the domestic rooms necessary. As heretofore stated, it was not found possible to include in this contract the administration and office building, which should be a part of the modern hospital of this character and which is, for the efficient management of this institution, an important necessity, nor the enlargement and remodeling of the central heating power and lighting plant for the entire hospital, and appropriate estimates for the latter will be submitted to Congress through the Secretary of the

Treasury. The board of visitors, in discussing the legislative needs of the institution, state that—

We also desire respectfully to call your attention to the necessity for amending the law (act of August 7, 1882, 22 Stats., 330) giving the Commissioner of Pensions authority to order the payment of pensions to the hospital for the support of the pensioners in the case of soldiers admitted from the National Home for Disabled Volunteer Soldiers, who are pensioners, and who have no dependent relatives as described in the law. The law as it now stands requires the entire pension to be paid to the hospital in every such case, together with all arrears of pensions, without regard to the amount. The regular rate of board for pay patients has been fixed by this board for many years at \$5 per week, and many of these pensions amount to more than the sum named. To take all of the pension allowed the soldier, for a service for which the regular charge is less than the pension, would seem to be manifestly unjust. Further, the law does not permit any special use of the pension so paid to the hospital for the soldier's individual benefit, as it is expressly provided that it shall be paid into the support account of the hospital. It would seem, too, that even in cases where the pension of the soldier does not amount to the regular rate of board it is scarcely just to take from him the entire amount, leaving him nothing for such incidental and individual expenses as the rules will not permit to be paid from the hospital funds.

This board, with the superintendent, is also much interested in securing some additional legislation regulating the commitment and discharge of patients admitted to the hospital from the District of Columbia. Particularly is this true as relates to the authority to discharge patients from the hospital. The law as it stands has not been changed in this respect since the hospital was organized, forty-six years ago, and contemplates the release of patients only when they can be discharged as cured. The fact, however, is that in the practical operation of such a hospital it is often advisable to give a patient a trial visit outside of the hospital before final discharge, and in still other cases, where further hospital treatment can be of no advantage and where patients are entirely harmless, authority should be given to release them to the care of their friends.

I concur in the conclusions of the board as to the necessity for legislation along the lines indicated, and at the earliest practicable date will submit to Congress such amendments to the existing law as the circumstances require.

In discussing the matter of the change in the law relative to disbursement of moneys for the Government Hospital for the Insane, I stated in my last annual report that—

After the decease of the former superintendent a committee was appointed to examine his books and accounts as a disbursing agent of the institution. In reporting thereon, after referring to the fact that his accounts were found to be correct, balanced, and closed, and so reported by the accounting officers of the Treasury, they state, referring to the matter of the disbursements of the institution, that—

“Your committee are of the opinion, however, that the best interests of the public service would be subserved if the disbursement of the appropriations for the hospital was taken therefrom and placed under the direct supervision of the Secretary of the Interior, to be disbursed by the disbursing officer of the Department of the Interior on vouchers properly certified by the superintendent of the hospital and approved by the Secretary of the Interior. One of the principal reasons advanced why such a change should be made is that the superintendent of the hospital is now the purchasing officer, the receiving officer, the disbursing officer—three offices in one. The

act of March 3, 1855 (sec. 4837, Rev. Stat.), made him a special disbursing agent. Under existing United States Treasury regulations he is required to render his accounts monthly, and no advance of funds is allowed him in any month in excess of his bond. On the contrary, the disbursing officer of the Department is required to render his accounts only quarterly, and is not confined to the limit of his bond in advances from the Treasury, so that money could always be promptly obtained from the Treasury for the payment of the bills of the hospital upon presentation of same. Under the present condition of affairs it has often occurred that persons selling goods and supplies to the hospital, expecting to receive cash when such have been furnished, have been compelled to wait weeks and months for payment. This condition of affairs should not be tolerated by the Department for a moment. Business methods prevail in every other branch of the Department of the Interior, and its creditors are promptly paid their bills on presentation of the same. Such should be the rule with the bills against the Hospital for the Insane. The merchant sells his goods to the hospital at a trifle above cost, expecting to receive promptly cash payment for the same. Failure to so pay him frequently results in serious embarrassment to his business."

Concurring in this conclusion, I urgently recommend the incorporation in the sundry civil bill, when ready for consideration by Congress, of the following paragraph, to wit:

And hereafter the disbursing clerk of the Department of the Interior is hereby required to act as disbursing clerk for the Government Hospital for the Insane, and to disburse all moneys appropriated for the said hospital, under the direction of the Secretary of the Interior, on vouchers duly certified by the superintendent thereof and approved by the Secretary of the Interior. And the said disbursing clerk herein provided for shall, before entering upon his duties as such, give bond to the United States in such sum as the Secretary of the Treasury may deem proper and necessary, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the Treasury quarter yearly of all moneys and properties which shall be received by him by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. And for this service to be performed the said disbursing clerk, hereinbefore provided for, shall receive for the faithful discharge of his duties an annual compensation of \$1,000, payable from the appropriation for current expenses of the Government Hospital for the Insane. And all acts heretofore made by Congress that are inconsistent with the provisions of this act be, and the same are hereby, repealed.

The necessity for the change in the law above recommended in regard to disbursements is further evidenced by the fact that in order to prevent embarrassment in the matter of payments, under contract for the work on the extension, to be made from the appropriation of \$975,000 for the extension of the Government Hospital for the Insane, it became necessary on the 10th day of August, 1901, to appoint Mr. George W. Evans, the disbursing officer of this Department, a "special disbursing agent for the erection of an extension at the Government Hospital for the Insane." For the disbursement of these moneys he was required by the Secretary of the Treasury to give an additional bond of \$25,000, which was approved on the 18th day of October, 1901.

## FREEDMEN'S HOSPITAL.

The Freedmen's Hospital was appropriated for and placed under control of the Secretary of War by act of March 3, 1871 (16 Stat., 506), and transferred to the Department of the Interior by act of June 23, 1874. (18 Stat., 223.) The supervision and control of expenditure of appropriations was transferred to the Commissioners of the District of Columbia by act of March 3, 1893. (27 Stat., 551). The appointive and general administrative power, however, is still vested in the Secretary of the Interior.

The report of the hospital, which was submitted by Asst. Surg. A. F. Warfield, who acted as surgeon in chief from the date of the acceptance of the resignation of Director A. M. Curtis, on the 2d day of August, 1901, shows that the work has been conducted along the lines indicated in previous reports, and that the institution is in a fairly prosperous condition. The total number of patients treated within the wards and dispensaries during the year was 8,356, a decrease over the previous year of 388. The number remaining in the hospital June 30, 1900, was 138. During the year 2,247 patients were admitted, divided as follows: Colored males, 1,065; white males, 184; colored females, 965; white females, 33. One hundred and sixty-seven births are recorded, making a total of 2,552 in the hospital; 2,425, including 172 deaths, were discharged, leaving 127 remaining in the hospital on the 30th of June, 1901. Five thousand eight hundred and four out patients were treated during the year. They were those who came to the hospital for treatment at the various clinics and then returned immediately to their homes. Of that number, 547 received attention in the medical, 547 in the surgical, and 210 in the gynecological departments.

The surgical work of the hospital has been of considerable magnitude, and was doubtless permitted to develop at the expense of the medical, as appears to be evidenced by the increased per cent of loss in medical cases. Hereafter neither of these branches of the hospital work will be permitted to grow at the expense of the other, but both will be developed together and provided with equal facilities.

Of the 2,247 patients admitted, 596 were residents of the District of Columbia, 860 from the State of Virginia, 430 from the State of Maryland, 72 from North Carolina, 46 from Pennsylvania, 30 from South Carolina, 23 from New York, 10 of unknown nativity, 59 from foreign countries, and the remainder, 121, were from the several States and Territories.

Satisfactory progress has been made in the training school for nurses, the high standard which secured its recognition by the American Association of Nurses having been maintained. One hundred and ninety-two applications were received during the year for admission to the

school, 18 were accepted, 2 rejected, and 1 dismissed. Sixteen nurses graduated in May, 1901, leaving 29 nurses on the staff, 2 probationers, and 3 male assistants on duty on the 30th of June, 1901. The appendix to the report contains interesting information in regard to the school, the requirements exacted of the candidates desiring to enter the course of training, and the work accomplished.

Five hundred and ten operations were performed, including many major cases. Three hundred and forty recovered, 133 improved, 6 remained unimproved, and 14 died. Four hundred and fifty-four emergency cases were treated during the year.

In the interest of the better administration of the affairs of the institution, a reclassification of the officers and employees was made. The salary of the surgeon in chief was reduced from \$3,000 to \$2,500 per annum; that of the first assistant surgeon was increased from \$900 to \$1,500 per annum; a new position, that of assistant surgeon, was created at \$1,000 per annum; the salaries of a number of minor employees were increased to a sum commensurate with the character and quality of services rendered, and a number of employees whose services were found to be unnecessary were dispensed with. At the expiration of the present fiscal year the present practice of paying internes for their services will be abandoned.

Attention is called to the urgent need for a new building large enough to cover all the various departments of the hospital under one roof, equipped with modern appliances. The present buildings are old, inadequate frame structures, difficult to heat, troublesome to ventilate, and inaccessible. The acting surgeon in chief also calls attention to the fact that new ranges are needed in the culinary departments, and that a new laundry outfit should be at once procured to take the place of the present apparatus, which is worn out and wholly inadequate for efficient service. For that purpose he recommends the sum of \$1,500. This sum, he states, will place facilities at the disposal of the hospital which will greatly enlarge its usefulness, increase the efficiency of the service, and prevent unnecessary labor of its officers and employees.

Dr. Wm. A. Warfield was promoted from first assistant surgeon to surgeon in chief October 1, 1901.

The dual control of this hospital still continues, expenditure of the funds appropriated by Congress for its management being under the control of the District and the appointive and chief administrative power being vested in the Secretary of the Interior. I have heretofore expressed the opinion that the supervision of this institution, both fiscal and administrative, should be unified, and this conclusion another year's experience in its management has materially strengthened. Fifty-four thousand dollars was appropriated by Congress for the management of this institution for the past fiscal year,

half of which, under existing laws, is payable from the funds of the District of Columbia, the other half being paid by the United States. There were 596 residents of the District of Columbia treated in the hospital during the past fiscal year at a net per capita cost of \$40.53. As long as this hospital is maintained as an independent institution, caring principally for indigent District transients, I fail to see the justice of imposing upon the District the duty of defraying one-half of its expenses. Considering the comparatively small number of persons from the District cared for therein, a more equitable arrangement would be to require it to pay only for such residents of the District as are accommodated at the institution. I accordingly renew the recommendation contained in my last annual report, that the law be amended so as to provide that the whole expense of the maintenance of Freedmen's Hospital and Asylum be borne by the United States and that the Commissioners of the District of Columbia be authorized to enter into a contract with the Secretary of the Interior for the care, at such rate per capita as may be determined upon, of all persons from the District cared for at the institution.

#### COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The report of the president of the Columbia Institution for the Deaf and Dumb, made pursuant to the requirements of the act of February 16, 1857 (11 Stat., 161), shows that the pupils remaining in the institution July 1, 1900, numbered 126; admitted during the year, 38; since admitted, 38; total, 202. Of these, 138 have been in the collegiate department, representing 31 States, the District of Columbia, Canada, and Ireland, and 64 in the primary department. Thirty-eight of these pupils were admitted as beneficiaries from the District of Columbia, and 96 have been admitted to the collegiate department under the acts of Congress approved August 30, 1890, and June 6, 1900, which provided for an increase in the number of free scholarships in the institution.

The courses of study in the several departments remain unchanged from those of the two years previous, and as an adjunct thereof it has been the custom of professors, instructors, normal fellows, and members of the senior class of the college to give lectures to the students and pupils during the winter.

The greatly increased demand for technical instruction led the college faculty to make a further step toward the establishment of regular technical courses, and it is a great advantage for deaf students who desire technical training to obtain the foundation for it under instructors who are familiar with their habits of thought and with their earlier education, as such work may be most valuable to the students later in life, aiding them in choosing their professions and earning a livelihood.

The total receipts of the institution from all sources amounted to \$76,955.28, of which \$65,500.39 was appropriated by the United States

and \$8,721 was received for board, tuition, room rent, etc. The expenditures were \$73,955.28, and \$3,000 expended for special repairs.

The estimates for the fiscal year ending June 30, 1903, for the support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, \$69,000; and for repairs to the buildings of the institution, including plumbing and steam heating apparatus, and for repairs to pavements, \$3,000; also, for a deficiency in the appropriation for the current year, \$2,000, this having arisen in consequence of the increase in the number of the beneficiaries, as provided for in the act of June 6, 1900, above mentioned.

#### MARYLAND SCHOOL FOR THE BLIND.

Under section 2 of the act of Congress approved May 29, 1858 (11 Stats., 294), the Secretary of the Interior is authorized to place for instruction in an institution for the blind, in the State of Maryland or some other State, the indigent blind children of teachable age who are children of persons actually engaged in the military and naval service of the United States, and under section 4869 of the Revised Statutes the indigent blind children of teachable age belonging to the District of Columbia.

The report of the superintendent of the institution shows that in pursuance of this authority there were at the close of the fiscal year 1900 22 blind children under instruction in the Maryland School for the Blind at Baltimore, Md. Since that time 7 pupils have been admitted and 4 withdrawn, leaving 25 beneficiaries at the institution on the 30th of June, 1901. Two of those withdrawn have obtained positions in similar institutions and are doing good work.

The course of instruction commences with the kindergarten and includes a thorough English education, embracing studies of a high-school grade. The music course embraces vocal and instrumental instruction, harmony, and thorough bass, the school being equipped with a grand organ, pianos, and orchestral instruments. Instruction in piano tuning, broom and mattress making, and chair caning is given to the boys, while the girls are taught plain and machine sewing, mending, knitting, and various kinds of fancy work. Proper attention is given to the physical development of the pupils, as blind children do not take as much exercise as those who have sight. The teachers employed therein are experienced, capable, and devoted to their work.

The total amount expended during the year for the care and maintenance of the indigent blind children of the District of Columbia was \$6,937.50, one-half of which amount is paid from the revenues of the District of Columbia and the other half out of the Treasury of the United States, pursuant to the act of Congress approved March 3, 1899 (30 Stat., 1101).



## HOWARD UNIVERSITY.

The president of Howard University, J. E. Rankin, D. D., reports that the progress made has been satisfactory, and the growth of the institution has been larger than in any previous year.

The total number of students who entered the several departments aggregated 886, from forty different States and Territories and from ten foreign countries. Of that number 36 withdrew for various causes before the end of the year.

There are now eight practical working departments connected with the university—the English, which is designed to fit pupils for intelligent citizenship and practical business, in which 159 students were in attendance; the preparatory, which fits pupils for college, 151 students; the collegiate department, where pupils are classified as in other American colleges, 46 students; the department of pedagogy, for training teachers, 173 students, of which number 30 are teachers in the city schools, who recognize the superior advantages offered for training in the science and art of education.

In the medical department, which includes the dental and pharmaceutical courses, there were 35 graduates. From the law department there were 18 graduates with the degree of LL. B.

In the theological department 62 entered, about nine-tenths of whom supported themselves as waiters, barbers, watchmen, and kindred employment. Nearly all, probably all, are engaged in various kinds of Christian service. Eight denominations are represented among the teachers and students, and all work together in harmony. This department receives no Government aid and is in great need of an adequate endowment from private sources, that the work may be put upon a permanent and enlarged basis. The character of the work of this department is evidenced by the frequent call of its graduates to pulpits and other responsible positions.

In industrial work efficient instruction is given in carpentry, printing, bookbinding, sewing, cooking, as well as theoretical and practical agriculture.

During the year \$100 of the university fund was expended, under the supervision of the professor of biology, in providing hotbeds and setting out fruit trees for the practical instruction of the students in agriculture. The trustees urge that the sum of \$1,000 be annually appropriated by Congress for the furtherance of work in this direction.

Attention is directed to the system of heating Miner Hall and Clark Hall, which is imperfect and unsafe, being by single coal stoves, called egg stoves, for each room. These stoves are easily thrown down, when their red-hot contents ignite the floor. Such accidents frequently occur. An appropriation of \$5,125 by Congress is asked to introduce a new system of heating in these large buildings.

The university expended during the year about \$2,800 for repairs of buildings, of which \$2,000 was appropriated by Congress. The appropriation of \$900 for the law and general library was expended under the direction of the several faculties, one-half of said sum for each library. Nothing was expended from the fund granted by Congress, directly or indirectly, for the theological department.

The growth of the university has been so rapid and the increase in the number of teachers so necessary that there has been a deficiency in the salary account every year, and an additional appropriation of \$3,000 is asked to meet this demand, to be apportioned among the pedagogical, preparatory, and English departments.

#### WASHINGTON HOSPITAL FOR FOUNDLINGS.

This institution is under the care of a corporation created by the act of April 22, 1870, to carry into effect that provision in the last will and testament of Joshua Pierce devising to certain trustees fourteen parcels of land in the city of Washington, D. C., to be held as a site for a hospital for the reception and care of destitute and friendless children. It is managed by a board of directors, who are required to report annually to the Secretary of the Interior, and is supported in part by contributions from benevolent persons and societies and in part by appropriations by Congress.

The report of the board of directors of said institution, made in pursuance of the requirements of the act above mentioned, shows that 95 children were provided for during the fiscal year ended June 30, 1901, of which number 47 were remaining in the institution from the previous year.

The adoptions for the year were 20, one was transferred, and thirty-three deaths recorded; of the latter, thirty were under 9 months of age, two were 1 year old, and one was 2 years old, leaving forty-one remaining at the hospital at the end of the fiscal year 1901.

A new laundry has been constructed during the year at a cost of \$1,500, the funds having been provided from private contributions.

Including a balance of \$422.98 from last year, the total receipts from all sources were \$7,894.07, of which amount \$7,776.43 was expended in the operation of the institution, leaving a cash balance of \$117.64, on June 30, 1901.

The daily average of children is about 40—all foundlings, ranging in age from 5 years to a few hours. The best work of the institution is in the adoptions, of which there have been 174 since the hospital was opened nearly fourteen years ago; and the board of directors state that, in order to carry out this work of charity and beneficence, it is compelled to ask that the appropriation of \$6,000 be continued by

Congress during the fiscal year ending June 30, 1903; otherwise the institution would be forced to close its doors.

A supplemental report of the hospital submitted under date of November 12, 1901, is hereto appended, page 262, marked Exhibit G.

I approve of this charity and recommend that Congress appropriate the funds desired in order that the work of the hospital may be properly continued.

### THE ARCHITECT OF THE CAPITOL.

The Architect of the Capitol, Mr. Edward Clark, in his annual report of the operations of his office, sets forth in detail the various improvements and repairs made to the Capitol building during the last fiscal year. The principal improvement to the building was the construction of 29 committee rooms in the space formerly occupied by the Congressional Library. Included in this work was the installation of the necessary apparatus for heating, ventilating, and lighting, and the construction of a marble vestibule at the principal entrance leading to the rooms. The courts adjoining the rooms were lined up with white enameled brick, and, for convenient access to the several floors two elevators operated by electricity were provided. For the heating and lighting there was procured and installed one 250-horsepower water-tube steam boiler and two 250-horsepower engines and dynamos. The ventilating system includes a large fan operated by an 8-horsepower electric motor placed in the subbasement story, the ducts leading therefrom running to the several floors through a special air way and ducts constructed over the ceilings of the corridors. In carrying out this work the lower story of rooms beneath the library space were connected with this system of heating and ventilating.

In addition to the customary repairs in other parts of the building, consisting of general work throughout the building, overhauling of the plumbing, steam fitting and lighting apparatus, and the care of the machinery, two new electric elevators, at a cost of \$12,658.85, have been installed in the House wing of the Capitol. A large number of the rooms have been wired for lighting, painted, and decorated.

The Architect reports that the condition of the Capitol grounds has been much improved during the last season and that the lawns adjacent to the terrace surrounding the building have been renewed. All needful repairs have been made to the artificial stone paving and asphalt roadways, and all the necessary trimming of trees and shrubbery has been done.

Improvements have been made at the House and Senate stables and engine house, where additional stalls and wagon sheds have been provided and new paving put in.

At the court-house two of the principal court rooms have been provided with a new system of ventilation. The exterior of the old building has been painted, the grand-jury rooms repaired, and a new bathroom fitted up. Rooms formerly occupied by the restaurant were vacated and new floors put in and fitted up as file rooms. Other new quarters have been assigned the restaurant. Improvements were made to the plumbing and heating apparatus throughout the building.

The expenditures for the fiscal year ended June 30, 1901, have been as follows: Annual repairs to Capitol, \$49,090.86; improving Capitol grounds, \$16,782.15; lighting Capitol grounds, etc., \$30,000; steam heating and machinery in the Senate, \$3,285; engine house, Senate and House stables, \$1,500, and flags for the Capitol, \$100.

Appended to the report is a detailed statement showing the various improvements during the year, together with a descriptive list of the statuary and the paintings in the Capitol building.

## **PENITENTIARY BUILDING, STATE OF WASHINGTON.**

In the deficiency appropriation act approved March 3, 1893 (27 Stat. L., 661), an appropriation for the purchase of a site in the State of Washington, and for the erection of a penitentiary thereon, was made in the following terms:

Penitentiary building, Washington: To carry into effect section fifteen of an act entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota and South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union, and on an equal footing with the original States, and to make donations of public lands to such States:" For the purchase of grounds, and the erection thereon of a penitentiary, in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, thirty thousand dollars: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Walla Walla, Wallawalla County, in said State.

Thereafter a tract of land, consisting of 40 acres, near the city of Walla Walla was purchased by the Department as a site on which to locate the penitentiary buildings. The Attorney-General was requested to direct an officer under his supervision in Washington to indicate on the site purchased a suitable location for the building. He, however, declined to do so, holding, in effect, that it was not the intention of Congress to provide in the act of March 3, 1893, for the construction of a Federal penitentiary at Walla Walla, but merely one for the State of Washington. Accordingly, in the annual report of this Department for 1896 the attention of Congress was directed to the matter, to the

end that the act be so amended as to more clearly express the intention of Congress, and that authority be conferred upon the Secretary of the Interior to convey the land already purchased to the State, etc. The sundry civil appropriation act approved June 4, 1897 (30 Stat., 56), provided, among other things, in relation to this penitentiary—

That the Secretary of the Interior be, and is hereby, authorized to apply the sum of twenty-five thousand four hundred and forty-six dollars and ninety-three cents, being balance remaining unexpended of the appropriation made by the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for prior years, and for other purposes," approved March third, eighteen hundred and ninety-three, for the purchase of a site in the State of Washington, and for the erection of a penitentiary thereon, to the construction of a wing to the penitentiary building at Walla Walla, in the State of Washington.

That the Secretary of the Interior be, and is hereby, authorized to convey the land already purchased under the said act to the State of Washington and to transfer to the said State of Washington the penitentiary building when completed.

Pursuant to the authority contained in this latter act, specifications for a penitentiary building, to be constructed as an addition to the State penitentiary building at Walla Walla, Wash., were prepared and approved by the Department, and proposals for the construction of the building were solicited by advertisement in the public press under date of June 23, 1900.

Of the bids received, that of the Pauly Jail Building and Manufacturing Company, of St. Louis, Mo., was found to be the lowest, and on the 21st of August, 1900, a contract was entered into with it for the work. As soon as practicable thereafter, the work of construction was commenced, and the building, including steel cells and fixtures, was fully completed by April 1, 1901. The superintendent of construction, in submitting a final report as to the buildings erected under the contract, stated—

Everything is finished in a workmanlike manner and by far excels anything previously built here. It is conceded by all that it is the best equipped wing in the West. The governor and board were here on the 25th ultimo. They expressed themselves as thoroughly satisfied with the wing.

Thereupon a committee, consisting of a representative of the State of Washington and two persons designated by the Secretary of the Interior, was appointed to inspect the work. The building was found to have been constructed in strict accordance with the specifications, was accepted from the contractor by the Department, and on the 31st day of May, 1901, formally turned over to the State of Washington.

On the 16th of May, 1901, in conformity with the requirements of the act of June 4, 1897 (30 Stat., 56), a deed was executed by the Secretary of the Interior, transferring to the State of Washington the 40

acres of land at Walla Walla, Wash., which had been originally purchased under the appropriation in the act of March 3, 1893 (27 Stat., 671), as a site for the penitentiary building.

### PAN-AMERICAN EXPOSITION.

Under date of July 8, 1898, Congress passed a joint resolution regarding the holding of a Pan-American exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century. The total appropriation for the Government exhibit, exclusive of buildings, was \$300,000.

Prof. Frank W. Clark, Department representative on the board of management of the Government exhibit, reports that the first tentative allotment to the Department of the Interior was fixed by the board at \$30,000. This sum, however, by allotments to other Departments and for purposes carried out by the board as a unit, was subsequently reduced to the net sum of \$26,123.53. On December 1, 1901, all unexpended balances credited to the several Departments will be consolidated into one common fund, and the separate allotments will then end.

The total floor space assigned to the Department of the Interior amounted to 7,000 square feet, on which four bureaus have their exhibits. These are the Patent Office, the Geological Survey, the Bureau of Indian Affairs, and the Bureau of Education. The General Land Office was also invited to exhibit and was offered 60 linear feet of wall space, 12 feet high, on which to display its maps, but the offer was declined. The Census Office also decided not to exhibit, on the ground that its material was not yet sufficiently complete. The Pension Office never exhibits, having nothing available to display.

The material of the four exhibiting bureaus was arranged in accordance with a definite and harmonious plan. The effect produced is that of a homogeneous exhibit of the Department itself without destroying the well-marked individuality attached to each bureau's exhibit.

In former expositions the Patent Office has chiefly exhibited many cases filled with motionless models, a display of little interest to the average visitor; for Buffalo, however, it secured the cooperation of several inventors, and has been able to show various machines in actual operation. Among such machines may be mentioned the telautograph, the electrograph, the linotype, the monotype, the voting machine, and the mutoscope. A variety of historical models are also shown, together with a large case of products displaying the many ramifications of the paper industry. Its space, therefore, is always crowded with spectators, and the display is remarkably interesting.

By the Geological Survey the usual articles are shown, such as relief models, minerals, rocks, and fossils, together with two relief maps, one of Porto Rico, the other of the Hawaiian Islands, prepared especially for the occasion. The four large windows of the Department space are decorated with photographic transparencies from the laboratory of the Survey, which always attract much attention. Its chief exhibit, however, is the display of map printing, a large lithographic press being in continuous operation, and a thousand copies daily are struck off of a map of the Niagara River from Buffalo to its mouth. On the back of the map a full descriptive text is printed, giving the geological history of the region. These maps are given the visitors as souvenirs, and are much in demand. Requests for them come from all parts of the country.

Under the Bureau of Indian Affairs are shown, with some aboriginal objects, a large series of specimens illustrating the work of the Indian schools. This collection is similar in character to those which have been displayed at previous expositions, but it is more perfect in detail and much finer in installation.

The Bureau of Education exhibits the usual range of school work, and also some material relating to Alaska, together with a fine collection of articles sent by the Hawaiian Government to illustrate education in the islands. Its one great novelty, however, the chief new departure in exhibition work, is its exhibit of the biograph and graphophone. Moving pictures, thrown by a lantern on the screen, represent manual training in the Washington high schools, various exercises at the Indian School at Carlisle, and drill at the United States Naval Academy. By the graphophone, recitations and school songs are reproduced, so that the educational exhibit has a vitality and interest which could never before be given to it.

## THE MARITIME CANAL COMPANY OF NICARAGUA.

Section 6 of the act of Congress approved February 20, 1889, entitled "An act to incorporate the Maritime Canal Company of Nicaragua," provides that said company shall make a report of its operations on the first Monday in December in each year to the Secretary of the Interior.

An advance copy of the report of this corporation, showing its present status, has been received and is hereto appended, page 264, marked Exhibit H. The official copy, it is stated, will be forwarded to the Department in time for transmission to Congress on the date prescribed by law.

**THE COLUMBIA RAILWAY COMPANY OF WASHINGTON, D. C.**

The president reports, in pursuance of the requirements of section 16 of the act of May 24, 1870 (16 Stat. L., 132), that the capital stock of the company is \$400,000; that the par value of the shares is \$50. The number of shares subscribed for up to the 31st day of December, 1900, is 8,000, of which 7,989 shares are held by the Washington Traction and Electric Company.

The receipts from all sources during the year ended December 31, 1899, were \$184,544.07, and the total disbursements for the same time were \$156,614.33. It is stated that the receipts from all sources during the year ended December 31, 1900, were \$217,904.61, and that the total disbursements during that period were \$550,389.38. The report, however, affords no explanation as to the excess of disbursements over the receipts for the year.

The total amount of the funded debt is \$1,000,000, the average rate of interest per annum thereon being 5 and 6 per cent. There is no floating debt.

The amount of dividends declared was \$24,000. The length of road is 6.94 miles. The length of double track, including sidings, is 6.94 miles. Total number of passengers carried in cars during the year was 7,603,667. Average time consumed by cars over road was thirty-one minutes on different divisions. Two of the thirty-seven accidents occurring in 1900 resulted in the death of the persons injured.

**HALL OF RECORDS.**

In previous annual reports comment has been made on the lack of room available for the accommodation of the permanent records and files of the Department and its bureaus. Each year adds to the accumulation of important records requiring preservation, and in providing space therefor it is frequently necessary to seriously encroach upon room which is badly needed for clerical purposes. The remedy heretofore suggested, that of providing a special building for the accommodation of the surplus records and files of all the departments of the Government, is equally applicable at this time. I renew my previous recommendation that Congress make suitable appropriation at an early date for the construction of a hall of records.

Very respectfully,

ETHAN ALLEN HITCHCOCK,

*Secretary.*

The PRESIDENT.





## APPENDIX.

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### EXHIBIT A.

#### ANNUAL REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
*Muskogee, Ind. T., October 1, 1901.*

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to transmit herewith the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901.

Very respectfully,

HENRY L. DAWES,  
*Chairman.*

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#### PREFATORY.

The spirit of trade expansion which has recently proven so marked a factor in the political events of our country has not sought opportunity alone in our newly acquired possessions and in the Orient as the outgrowth of military and naval campaigns; it has searched out and permeated the isolated and heretofore unoccupied fields at home. Indian Territory furnished too attractive a region to escape the wave of trade desire, and as a result there has been brought to the domain of the Five Tribes a flood of humanity seeking its share of prosperity, jostling and clamoring for opportunity with that vigor and energy which characterize Americans, but which, in the light of the solemn treaties under which was promised to these tribes the undisturbed possession and occupancy of their lands, has been unseemly to a degree which may well shock the mind of an impartial observer. Little surprise need be felt that the full-blood Indian, whose racial instinct is opposed to commercial life and the accepted forms of the higher civilization, shrinks from the onrushes of his predestined successor and stubbornly resists those changes which legalize the occupation of his hunting grounds by those who have heretofore properly been classed as intruders.

It could not have been contemplated by Congress that within the borders of the United States should be permitted to spring up independent republics, unanswerable to the General Government. Even had such a course been harmonious with our form of government, the inability of the tribes to restrain lawlessness and maintain stable governments, free from corruption, precluded the possibility of their continuance. While the aborigines were, by a long-established and high conception of right, independent of treaty considerations, entitled to the undisturbed possession of a domain of reasonable proportions, a higher law than that of the Congress destined them to extinction as a race and their absorption by a people whose government has now taken foremost rank among the nations of the world. While sympathy may

well be felt for the American Indian, his passing is but one of the melancholy events which are so often followed by most fitting sequences.

The ownership of land in common having proved, under modern conditions, a lamentable failure, and the Government having wearied of fruitless negotiations Congress undertook, by the passage of the Curtis Act, approved June 28, 1898, to formally administer upon the estate of the Five Civilized Tribes, which, while vast in extent—almost as large as the State of Ohio—has not been deemed more than is needed under present conditions by the seventy-five or eighty thousand heirs in whom the title is vested. To allot them land upon any other principle than equality of value would remedy none of the evils arising from the unequal distribution of land which have so long existed; while to apply this principle, as the law provides, involved one of the largest, most intricate, and difficult undertakings in which our Government has ever been engaged.

During this period of transition conditions continue in many ways most unsatisfactory, both as regards what really should and will be the business development of the Territory and as respects all social matters embraced in a large view of the rights and needs of humanity. Settlers must await further legislation to acquire satisfactory titles to lands; while, as respects the children of a population of more than 300,000 people not of Indian citizenship—a population of our own people and being rapidly augmented—there is no adequate provision for schools, not to mention other necessities of a properly developed and organized community.

In view of all these conditions, the commission has striven during the past year to complete the work assigned to it as rapidly as is consistent with care and thoroughness. Under the different heads or divisions of the report information is given in detail of the progress of the work. The classification of lands and estimation of timber has been completed, and there has resulted in consequence a reduction in the force of employees of over two hundred men and a reduction in expense of approximately \$30,000 a month, leaving the commission in a position to sell a large amount of its stock and field equipment. Reference is made to the report for further financial data.

Since the last report final allotment of lands has materially progressed, the final Seminole roll has been approved, and it is expected to forward the final Creek roll before the close of the present calendar year. The Cherokee roll, begun in July, 1900, should be completed by September 1, 1902, and the Choctaw and Chickasaw roll can be finished at an equally early date if there be removed certain legal obstacles particularly described herein.

#### LEGISLATION AND AGREEMENTS.

The commission in its seventh annual report made mention of the negotiation in the city of Washington of agreements with the representatives of the Creek and Cherokee tribes of Indians concluded, respectively, on March 8, 1900, and April 9, 1900. Both of the agreements in question were ratified by Congress on the 1st day of March, 1901. At the time these agreements were negotiated the indications were favorable for their ratification on the part of both tribes, and doubtless had they been immediately submitted to the popular vote of the members of those tribes they would have been in each instance ratified by a large majority.

The agreement with the Creeks was translated into the Creek language and the substance disseminated throughout the nation. The more progressive and influential members of the tribe, and particularly the principal chief, Pleasant Porter, expended no little time and effort in behalf of the agreement among the full bloods and such other factions as were opposed to a change in tribal affairs; and as a result the agreement with the Creeks was ratified by the national council by a vote of 104 to 34 on May 25, 1901. Certain portions of the agreement were not acceptable to the members

of the tribe, and approval on the part of the councilmen was given only with the understanding on their part that the agreement might be supplemented in a manner to correct inaccuracies and discrepancies and make clear those portions which appeared ambiguous. It may be safely stated that the tribe as a whole desired that all children born up to and including May 25, 1901 (the date of the ratification of the agreement), be enrolled. Under the agreement ratified by them no child born subsequent to July 1, 1900, may be enrolled. Dissatisfaction is freely expressed also with the method of allotment, which provides for a lien upon the rents and profits of the lands of those citizens receiving more than their share in value. In this and certain other particulars it is believed that the agreement should be amended, and steps to this end will, with the concurrence of the Department, doubtless be taken in the near future. This agreement, as ratified by Congress and the tribe, accompanies this report.

The agreement with the Cherokees was submitted to a vote of the members of that tribe on April 29, 1901, and was defeated by a majority of 1,023 votes, a total of 5,569 having been cast. If the generally circulated reports are to be believed, failure to ratify the agreement is chiefly due to the efforts of persons holding large tracts of land and whose personal interests would be best subserved by delay. It is considered also that some members of influence opposed the agreement because by its terms children born after April 1, 1900, were excluded from enrollment. A number of citizens whose influence carried much weight with the members of the tribe had children born subsequent to that date, and they exerted their efforts for the defeat of the agreement. There was much opposition concerning existing leases.

At a session of the council held during the month of May, 1901, the Cherokees provided for the creation of another negotiating commission. The act of the council in question failed to receive the approval of the President and therefore became ineffective. Affairs in this tribe are still governed in a great measure by the provisions of the act of June 28, 1898, (30 Stat. L., 495) known as the Curtis law.

On February 7, 1901, an agreement was negotiated with this commission and the representatives of the Choctaw and Chickasaw tribes with a view to closing the rolls of those nations, and other purposes. The agreement in question, as originally negotiated and as subsequently modified in the city of Washington, accompanies this report. This agreement was not acted on by Congress, and therefore has not been submitted to the tribes for ratification. Special reports have been made to the Department pertaining to the negotiations for a new agreement with these tribes. It is apparently necessary that a supplementary agreement with them be made. The Atoka agreement (act of June 28, 1898, 30 Stat. L., 495), is inadequate and ambiguous, and affairs within those tribes may not be satisfactorily administered under its provisions. It is essential that a date be fixed for closing the rolls, that some legislation touching upon the rights and benefits of Mississippi Choctaws, and upon other matters of somewhat less importance be had if the work of the Government is to proceed satisfactorily. Embodied in the special reports upon Mississippi Choctaws and the Choctaws and Chickasaws in this volume will be found detailed representations with reference to these matters.

## ENROLLMENT OF CITIZENS.

### CHOCTAWS AND CHICKASAWS.

This division of the work of the commission, during the fiscal year ended June 30, 1901, has been confronted with many difficult and perplexing problems, and in reviewing the progress of its labors it is considered more advantageous to deal therewith, first, in a general manner, and then specifically in each of its several branches, consisting of the enrollment of the Indians by blood of the Choctaw and Chickasaw nations, the citizens by intermarriage of these two nations, the enrollment of the Choctaw and Chickasaw freedmen, and the identification of Mississippi Choctaws.

It is also considered advisable to review, in brief, former legislation and action of the commission relative to the work of enrollment in these two nations.

The authority of law under which the commission was created, approved March 3, 1893, and the act of March 2, 1895, contained no specific provisions relative to the admission of claimants to citizenship or the enrollment of the members of the Five Civilized Tribes in the Indian Territory. The act of June 10, 1896, empowered the commission and the tribal authorities to hear and determine original applications for citizenship in the several tribes; also, in the event that either the tribe or the applicant was aggrieved with the judgment of the tribal authorities or the commission, an appeal to the United States court in Indian Territory was provided for. The same act confirmed the then existing rolls of citizenship of the several tribes.

Under the authority of the act of June 10, 1896, and between the date of its becoming effective and September 9, 1896, there were filed with the commission 1,418 original applications for citizenship in the Choctaw Nation by blood and intermarriage, embracing the claims to citizenship of 7,067 persons, and for citizenship by blood and intermarriage in the Chickasaw Nation there were filed 283 original applications, embracing the claims of 1,757 persons. Within the ninety days after September 10, 1896, as required by the act of June 10, 1896, in which judgment should be rendered, the commission admitted to citizenship in the Choctaw Nation 3,815 of such original applicants. Of the original applications for citizenship in the Chickasaw Nation 915 were favorably considered and 842 denied. The two nations and numerous of the applicants whose rights had been denied by the commission availed themselves of the right of appeal to the United States court in Indian Territory afforded by the act, and the United States courts for the central and southern districts of the Indian Territory in numerous cases reversed the decisions of the commission and admitted numerous persons who had previously been rejected. During the years of 1897, 1898, and 1899 the United States court for the central district of the Indian Territory thus admitted to citizenship in the Choctaw Nation 1,137 persons, and the United States court for the southern district of the Indian Territory so admitted 1,017 persons to Choctaw citizenship. The United States court for the southern district of Indian Territory also admitted to citizenship in the Chickasaw Nation 591 persons on appeal from the decision of the commission.

In pursuance of the authority of the act of June 10, 1896, confirming the then existing rolls of citizenship of the several tribes, the commission, in August, 1896, addressed communications to the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, requesting them to furnish the commission with full and complete rolls of the citizens of those two nations, and also a roll of freedmen entitled to citizenship in such nations. In accordance with this request, the Choctaw Nation prepared and submitted to the commission a roll of its citizens by blood and intermarriage, arranged by counties. There was also appended to such roll of citizens what purported to be a roll of freedmen, or citizens by adoption of the Choctaw Nation. This roll has been generally known as the 1896 Choctaw census roll. The roll of freedmen has never been considered by the commission of much value, for the reason that the Choctaw Nation had never maintained a complete record or roll of its freedmen. The Chickasaw Nation, in conforming to the request made to its governor, in 1897 submitted to the commission a roll of the citizens by blood and by intermarriage of that nation, but has never prepared or submitted any roll of the freedmen of the tribe, contending that the Chickasaw Nation never adopted its freedmen, and that they had no rights to an allotment of land or to enjoy any of the benefits of citizenship in that nation. In addition to the rolls prepared and submitted by the two nations under the act of June 10, 1896, there was also furnished the rolls of the citizens by blood of the two tribes to whom the "leased district payment" was made in 1893, and numerous other rolls. None of these rolls have ever been ratified by the Choctaw and Chickasaw nations as authentic rolls of citizenship.

The act of Congress of June 7, 1897, empowered the commission to continue in the exercise of all authority theretofore conferred upon it by law, and under this provision there were submitted numerous original applications for citizenship in the Choctaw and Chickasaw nations. None of these have ever been acted upon by the commission, as it has held that the time in which such applications could be filed under the act of June 10, 1896, had expired. This act of June 7, 1897, also required "that the commission appointed to negotiate with the Five Civilized Tribes in Indian Territory shall examine and report to Congress whether the Mississippi Choctaws, under their treaties, are not entitled to all the rights of Choctaw citizenship, except an interest in the Choctaw annuities." Under the instructions and the authority contained in that act, the commission on January 28, 1898, submitted to the Congress of the United States a report as to rights of Mississippi Choctaws.

The act of June 28, 1898, confirming the agreement of April 23, 1897, between the Choctaw and Chickasaw nations and the United States, empowered the commission to prepare rolls of citizenship of these two nations for submission to the Secretary of the Interior for his approval, and in addition to the power so vested it was authorized "to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Indians, concluded September 27, 1830."

In September, 1898, the commission proceeded to the Chickasaw Nation for the purpose of making a roll of the citizens by blood and intermarriage and of the freedmen of that tribe, and also a roll of such citizens by blood and intermarriage and freedmen of the Choctaw Nation who might be found residing within the territorial limits of the Chickasaw Nation. Three months of the fall of 1898 were so spent in the Chickasaw Nation; and persons were listed for enrollment upon being identified from the tribal rolls of the two nations, or who held in their possession acts of admission by the tribal authorities, judgments of the Commission to the Five Civilized Tribes under the act of June 10, 1896, or judgments of the United States court in Indian Territory. It early developed in the preparation of such rolls of citizenship that there were numerous names found upon the tribal rolls whose final rights to enrollment and allotment would be seriously objected to and contested by the Choctaw and Chickasaw nations. This necessitated immediate arrangements being made for the hearing of both sides in these contested cases, and numerous contentions of this character were heard at Ardmore during the fall of 1898 and at South McAlester in March, 1899. During almost the entire year of 1899 the commission was in the Choctaw Nation, at numerous places where appointments had been previously made, for from a week to ten days each, and where the same plan was pursued as in the Chickasaw Nation in 1898. The progress of the work of the enrollment of the Choctaws and Chickasaws for the fiscal year ending June 30, 1900, was fully set forth in the seventh annual report of the commission, and the subject-matter now embraces the progress from July 1, 1900, up to the close of the past fiscal year.

The interest of the Choctaw and Chickasaw nations being closely affiliated, it is somewhat difficult to treat of the two nations separately; and as the conditions confronting the commission, generally speaking, are identical in these tribes they will be considered together.

The act of May 31, 1900, has affected to but a small degree the matter of the enrollment of citizens of these two nations. That act, providing that the commission should "not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such," has in a measure discouraged applicants, whether possessing Choctaw or Chickasaw blood, but who would of necessity be refused under this provision of law from so applying, and nearly every such applicant now makes claim as a Mississippi Choctaw.

It is with much gratification that we have to report that there now remain on the

...many of the Choctaw and Chickasaw nations but few names of pe  
...have not been accounted for by the con  
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...the closing of the roll

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...the Choctaw Nation, beginning Decem  
...and Chickasaw nations then file  
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...Two hundred and two Chickasaw cases  
...were heard and examined in 32 of

#### THE CHOCTAW AND CHICKASAW NATIONS.

...the Choctaw and Chickasaw nations that the majority of  
...of the United States court  
...and the nations regard such  
...the original actions instituted were only  
...property affected by the judgments  
...For example, it is  
...under the act of Congress of June 10,  
...was rejected by the commission,  
...instituted such action  
...the judgment admitting him to citizenship  
...of the Choctaw and Chickasaw  
...acquired under these judgments has  
...for example, as to the rights of children of  
...of the two tribes, as to the rights of  
...and in the Choctaw-Chickasaw country, and  
...in proceedings before the United  
...retainer suits which came up for hear  
...at Pats Valley, Chickasaw Nation, Hon. John R.  
...there were pending one hundred or more cases  
...In about thirty of these cases the plaintiffs  
...Early in the proceedings the court held that  
...were necessary parties and that no valid  
...could be rendered save after serv  
...Messrs. Mansfield, McMurray, and Cornish, the attorneys for  
...who had persistently and aggressively waged

war against "court citizens," saw here an opportunity to bring their contention before a judge who had not previously adjudicated any citizenship cases, and as to all plaintiffs of that class entered the appearance of the nations and plead that such persons were not citizens because of the alleged invalidity of the decrees under which they were admitted, and were therefore not entitled to recover. To this plea the attorney for the claimants filed a demurrer. The court sustained the contentions of the Choctaw and Chickasaw nations and overruled the demurrer of the claimants. What the ultimate outcome of the matter may be is speculative.

In numerous instances where question has arisen as to the validity of these judgments, the courts have corrected and reformed the same by striking therefrom the names of persons who were interpolated in the appeal after the rendition of the judgment of the commission.

There is embodied in this report the annual message of Hon. D. H. Johnston, governor of the Chickasaws, and Hon. Green McCurtain, principal chief of the Choctaws, of September 4 and October 3, 1900, respectively, which outline very clearly the contentions of the two tribes upon this subject.

#### INTERMARRIAGE.

The question of enrollment of citizens by intermarriage in the Choctaw and Chickasaw nations is one causing no small amount of trouble and requiring the greatest care and consideration. The overreaching desire of white persons to share in the property rights of the Choctaw and Chickasaw nations has caused many attempts to be made by applicants to avoid the existing laws of the two tribes relative to intermarried citizenship. Since December 18, 1899, there has been in effect in the Chickasaw Nation an act providing that the marriage license fee for a noncitizen marrying a Chickasaw Indian shall be \$1,000, and since such enactment the commission has had numerous applications of persons for enrollment as citizens by intermarriage of that nation, but in only one instance has it developed that the \$1,000 marriage license fee has been paid. Numerous applicants have married since such act became effective, and have in some manner procured a license from the Chickasaw judge authorized to issue the same for the sum of \$50. The Choctaw Nation does not require of its male citizens by blood the procurement of a marriage license in order to confer intermarriage citizenship rights upon white women, but it does require a license fee of \$100 in the event that a white man desires to marry a Choctaw woman. Perhaps a conservative estimate of the total number of applications for intermarried rights in the Choctaw and Chickasaw nations during the past fiscal year will show that two-thirds of such applicants were not married in conformity with the laws of the two tribes, but that the license obtained was from the United States court of the jurisdiction in which they resided. Since the enactment of the \$1,000 Chickasaw license law a great many white men marrying Choctaw and Chickasaw Indians residing in the Chickasaw Nation have sought to avoid the payment of this license fee by attempting to maintain a temporary residence in the Choctaw Nation. The majority of the members of the Choctaw and Chickasaw tribes were enrolled during the years of 1898 and 1899, and the past year has developed innumerable cases of divorce, separation, and desertion. It has been with the greatest difficulty that the commission has kept its records in such condition as to keep in touch with the changes in the names of the female citizens of these two nations growing out of these conditions.

#### BIRTHS AND DEATHS.

The matter of identifying and correctly recording the deaths that have occurred since the majority of the members of these two nations were listed for enrollment in 1898 and 1899 has been a matter to which considerable attention has been paid, but



with only very meager results. It has proven very difficult to obtain affidavits of reliable persons as to the death of citizens previously listed for enrollment. It has been the endeavor of the commission to prosecute this branch of its work to the utmost, and in every instance upon intimation of the death of a citizen there has been sent to some relative a blank for proof of death for the purpose of having the same made a matter of record. In addition thereto, each county judge, sheriff, and clerk of the several counties of the Choctaw Nation and of the districts of the Chickasaw Nation have been furnished with these blanks, and have been repeatedly requested and importuned to furnish all the information they might have relative to the death of citizens of the tribe of their immediate locality. During the year the receipt of proofs of birth of children whose parents have been listed for enrollment has been of about the average of the year previous. Greater care has been exercised in the acceptance of these affidavits, and in no instance have the same been considered unless the commission was fully satisfied as to the identity of the parents and as to the sufficiency of the affidavits.

#### SUMMARIZED STATEMENT OF APPLICATIONS.

During the past fiscal year the following applications have been heard by this division in its several branches:

*Choctaws.*—Eight original applications, embracing 22 persons for enrollment as citizens by blood of the Choctaw Nation; 17 original applications of white persons, applicants for enrollment as citizens by intermarriage of the Choctaw Nation; 1 application where the applicant claimed his right under a judgment of the United States court in Indian Territory.

All of these persons were duly listed for enrollment.

Ten applications, embracing 21 persons, for enrollment as citizens by blood of the Choctaw Nation were heard by the commission, but were not acted upon and have been placed upon the doubtful list of applicants for enrollment awaiting final action. Fifty-five applications of white persons for enrollment as citizens by intermarriage have also been heard and yet remain to be acted upon. Forty-one applications, embracing the claims of 126 persons for enrollment as citizens by blood of the Choctaw Nation, have been heard by the commission and the applicants refused enrollment, and 8 applicants for enrollment as citizens by intermarriage have also been refused. During the year the commission heard 86 original applications, embracing the claims of 278 persons for enrollment as citizens by blood of the Choctaw Nation, who were reported as refused under the act of Congress of May 31, 1900 (31 Stat. L., 221).

*Chickasaws.*—Seven applications, embracing 13 persons, for enrollment as citizens by blood of the Chickasaw Nation; 1 application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The above persons were duly listed for enrollment.

Fifteen applications, embracing 27 persons, 18 claiming by blood and 9 by intermarriage, for enrollment as citizens of the Chickasaw Nation were heard by the commission, but were not acted upon and have been placed upon the doubtful list of applicants for enrollment. Sixteen applications, embracing the claims of 63 persons, for enrollment as citizens by blood of the Chickasaw Nation have been heard and their applications have been reported as refused under the provision of the act of Congress of May 31, 1900.

*Choctaw freedmen.*—During the year 8 applications, including 18 persons, for enrollment as freedmen of the Choctaw Nation have been heard and remain unacted upon.

*Chickasaw freedmen.*—Six applications, including 20 persons, for enrollment as freedmen of the Chickasaw Nation have been heard and remain unacted upon by the commission at the close of the fiscal year.

At the close of the fiscal year the records of this division show the following facts relative to the enrollment of the citizens by blood and intermarriage and of the freedmen of these two nations:

## CHOCTAW.

Number of Choctaw cases in which the applicants have been listed for enrollment .....	5,363
Number of persons listed for enrollment as citizens by blood and intermarriage of the Choctaw Nation .....	17,972
Number of new-born children listed for enrollment as citizens of the Choctaw Nation from July 1, 1900, to June 30, 1901, inclusive .....	566
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as citizens of the Choctaw Nation, from July 1, 1900, to June 30, 1901 .....	158
Number of doubtful or contested cases .....	640
Total number of persons included in doubtful cases .....	1,133
Number of cases where enrollment has been reported as refused .....	746
Number of persons included in rejected cases .....	1,806
Number of cases of enrollment reported as refused under the provision of the act of Congress of May 31, 1900 .....	79
Number of persons included in such applications .....	245

## CHOCTAW COURT CITIZENS.

Number of persons admitted in the Choctaw Nation by judgments of the United States court for the southern district of the Indian Territory .....	1,017
Number of persons admitted in the Choctaw Nation by judgments of the United States court for the central district of the Indian Territory .....	1,137
Number of persons admitted by United States courts .....	2,154
Number of names stricken from judgments by order of the United States court, southern district, Indian Territory .....	126
Total .....	2,028
Number of persons who have been listed for enrollment as citizens of the Choctaw Nation in pursuance of judgments of the United States courts....	2,336

NOTE.—The increase in number of persons who have been listed for enrollment over those admitted by judgments of the courts is by reason of the listment for enrollment of children born since date of judgment admitting their parents.

## CHICKASAW.

Number of Chickasaw cases in which the applicants have been listed for enrollment .....	1,800
Number of persons listed for enrollment as citizens by blood and intermarriage of the Chickasaw Nation .....	6,476
Number of new-born children listed for enrollment as citizens of the Chickasaw Nation from July 1, 1900, to June 30, 1901, inclusive .....	184
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as citizens of the Chickasaw Nation from July 1, 1900, to June 30, 1900 .....	95
Number of doubtful or contested cases .....	346
Number of persons included in doubtful cases .....	429
Number of cases where enrollment has been reported as refused .....	104
Number of persons included in rejected cases .....	316

Number of cases of enrollment reported as refused under the provision of the act of Congress of May 31, 1900.....	
Number of persons included in such applications .....	

## CHICKASAW COURT CITIZENS.

Number of persons admitted in the Chickasaw Nation by judgment of the United States court for the southern district of the Indian Territory.....	
Number of names stricken from judgments by order of the United States court, southern district Indian Territory.....	

Total .....

Number of persons who have been listed for enrollment as citizens of the Chickasaw Nation in pursuance of judgments of the United States court...	
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NOTE.—The increase in number of persons who have been listed for enrollment over those admitted by judgments of the court is by reason of the listment for enrollment of children born since date of judgment admitting their parents.

## CHOCTAW FREEDMEN.

Number of Choctaw freedmen cases in which the applicants have been listed for enrollment .....	1, 1
Number of persons listed for enrollment as Choctaw freedmen .....	3, 9
Number of new-born children listed for enrollment as freedmen of the Choctaw Nation from July 1, 1900, to June 30, 1901, inclusive .....	
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as freedmen of the Choctaw Nation from July 1, 1900, to June 30, 1901 .....	
Number of doubtful or contested cases.....	9
Number of persons included in doubtful cases .....	31
Number of cases where enrollment has been reported as refused.....	4
Number of persons included in rejected cases reported .....	50

## CHICKASAW FREEDMEN.

Number of Chickasaw freedmen cases in which the applicants have been listed for enrollment.....	1, 447
Number of persons listed for enrollment as Chickasaw freedmen.....	5, 466
Number of new-born children listed for enrollment as freedmen of the Chickasaw Nation from July 1, 1900, to June 30, 1901, inclusive.....	94
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as freedmen of the Chickasaw Nation, from July 1, 1900, to June 30, 1901.....	8
Number of doubtful or contested cases .....	80
Number of persons included in doubtful cases .....	213
Number of cases where enrollment has been reported as refused .....	8
Number of persons included in rejected cases reported .....	9

While innumerable changes have occurred upon the records of the commission since the enrollment of 1898 and 1899 of citizens of the Choctaw and Chickasaw nations, it is the belief of the commission that, should a date be fixed for the closing of the rolls of citizenship of these two tribes, a complete and accurate roll, exclusive of Mississippi Choctaws, could be submitted to the Department for approval within six months after such date of closing. While this may appear an unwarranted length of time, yet the fact must be borne in mind that in order to prepare such a roll for final submission there will be required a great amount of clerical work.

## MISSISSIPPI CHOCTAWS.

Undoubtedly no branch of the commission's work has encountered more difficulties during the past year than that relating to Mississippi Choctaws. The authority under which the commission is empowered to act is contained in the following provisions of law:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior. (Fourth paragraph, sec. 21, act of Congress approved June 28, 1898.)

The fourteenth article of the treaty of 1830, referred to in the above quotation, is as follows:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

Again:

That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void. (Indian appropriation act, approved May 31, 1900.)

The obligations imposed to decide whether an applicant is entitled to rights in the Choctaw lands in Indian Territory as a descendant of a Choctaw Indian who resided in Mississippi in 1830, and who may or may not have complied with a certain provision of a treaty now over 70 years old, developed a subject most difficult to deal with.

Often, if not generally, the connecting link in the way of reliable evidence is found to be lacking, and perhaps impossible of discovery. From July 1 to November 30, 1900, all applications of this character were heard at the general office at Muskogee. Day after day and week after week crowds of people showing absolutely no trace of Indian blood, whites and negroes of all ages and conditions, were making applications under a vague idea of their rights. During this time there were heard 641 of such original applications, embracing 2,098 persons. An appointment having been advertised for the hearing of applicants for identification as Mississippi Choctaws at Hattiesburg, Perry County, Miss., from December 17 to 22, 1900, inclusive, an office was opened at that point in accordance therewith. Here a different character of applicants presented themselves, a majority being full-blood Choctaw Indians, unable to speak the English language. While this appointment had been thoroughly advertised by printed notices being mailed to every post-office in the State of Mississippi and to a large number of individuals, and in addition thereto was published in numerous newspapers in that State, still it did not receive that attention and consid-

eration by the full-blood Choctaw Indians, the class of persons whom it was especially the desire of the commission to reach, that was anticipated. During this week were heard 93 original applications, embracing 355 persons for identification as Mississippi Choctaws.

After the above-named appointment, and upon the return of the party sent to Hattiesburg, it was decided to locate, at least temporarily, an office at Atoka, in the Choctaw Nation, the most central geographical point in the Choctaw and Chickasaw nations. On January 2, 1901, this office was opened, and it has since been maintained with satisfactory results. It is supplied with complete records and files of the Mississippi Choctaw cases. In addition to hearing 636 applications for identification as Mississippi Choctaws, embracing 825 persons, it has also performed a very large amount of clerical work incident to this branch of business.

The insufficiency of the appointment, previously referred to, of one week in the State of Mississippi having been demonstrated, it was deemed advisable to again send a party to that State. An office was opened at Meridian, Lauderdale County, Miss., on April 1, 1901, for hearing the applications of claimants as Mississippi Choctaws, said office to be continued indefinitely as conditions might require. This office has been continued, with satisfactory results, and it has received 878 original applications, embracing 3,002 persons.

From April 29 to May 4, 1901, an appointment was held at Philadelphia, Neshoba County, Miss. During this time there were heard 76 applications, embracing 229 persons.

From May 6 to 11, 1901, an appointment was held at Carthage, Leake County, Miss., and there were heard 56 original applications, embracing 203 persons.

At Decatur, Newton County, Miss., there was an appointment from May 13 to 18, at which there were heard 33 applications, embracing 101 persons.

At all of these appointments perhaps one-half of the applicants who presented themselves were full-blood Choctaws, the majority of them being unable to speak English, and the examinations were conducted through an interpreter.

The treaty between the United States and Choctaws of September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek," was designed by the Government to secure the removal of the Choctaw Indians from east of the Mississippi River to lands set aside for them west of the Mississippi River, in Indian Territory. It was supposed that they could there continue indefinitely their tribal government and their own customs undisturbed by the white race. As is known, however, many of the citizens of this tribe were unwilling to leave their old home east of the Mississippi River, and as an accommodation of this difficulty there was provided the fourteenth article of the treaty of 1830. It is known that many Choctaws remained east of the Mississippi River for the purpose of availing themselves of the provisions of this article.

The conduct of the Government's Indian agent, Colonel Ward, at the time of the removal of the Choctaws has been continuously the subject of much adverse criticism. It is understood that the original list of Choctaws who sought to avail themselves of the benefits of the fourteenth article of the treaty, which list is known as "Ward's register," shows but a fractional part of the applicants who actually signified within six months after the ratification of the treaty their intention of remaining.

The United States commission appointed under act of Congress approved March 3, 1837, and the United States commission appointed under act of Congress approved August 23, 1842, endeavored to right this wrong done the Mississippi Choctaws and their descendants. The work of these two commissions resulted in placing upon different lists the names of over 3,400 Indian applicants who proved to the satisfaction of the respective commissions before whom they appeared that they were guilty of no laches in their efforts to make such declarations as were required under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

By a strict interpretation of the terms of that treaty, all claimants under article 14 failing to be recognized on Ward's lists were debarred, together with their descendants, from receiving the benefits as Choctaw Indians; but by a liberal construction the Government, in appointing the commissions of 1837 and 1842, adopted a policy both just and reasonable, and declared that substantial justice should be done the Mississippi Choctaw, both as to his property rights in Mississippi under the fourteenth article of the treaty of 1830 and his rights in the Choctaw Nation in Indian Territory, should he or his descendants desire at any time to remove thereto. Some of the applicants before Colonel Ward received patents for their lands, but many did not, while many made the preliminary declaration or attempted to do so before him, but no record of such declaration was made.

The question now presents itself, Can a roll of the citizens of the Choctaw and Chickasaw tribes be made or submitted to the Department for approval until the final adjudication and settlement of these Mississippi Choctaw claims has been effected? Requiring a strict compliance with the fourteenth article of the treaty of 1830 by ignorant full-blood Choctaw Indians in the State of Mississippi will produce but little, if any, result favorable to them. That these Indians now live there, and that they and their families and foreparents have lived there for the past seventy years, is unquestionable; that they are Choctaw Indians no one can doubt. They speak the same language of the Choctaws residing in Indian Territory and have the same manners and customs and general appearance. Are they to be precluded from ever sharing in the property rights of the Choctaw Nation in Indian Territory, or shall the governments of the United States and the Choctaw Nation, in their generosity, adopt and make them citizens of the Choctaw Nation? Even such an act of generosity would but little benefit them, for without means of removal they would be unable, poor as they are, to reach the rich lands of the Choctaw Nation that might be bestowed upon them. Reference is here made to the neglected full-blood Choctaw Indians now residing in Mississippi, and not to the great army of apparent whites and negroes who have presented themselves in the State of Mississippi and in Indian Territory, but whose case also requires solution. With the latter class the general conditions, surroundings, and appearances are not favorable evidence, and it seems that respecting this class the only rule just to the Choctaw Nation and such applicants is by lending reasonable and proper assistance to the ignorant claimant to develop his case, yet to consider that the burden of proof is and should be upon the applicant, and that he should be required, after being given a fair understanding of the terms and conditions of the fourteenth article of the treaty of 1830, to show that he has complied with that article or that he is entitled to its benefits by lawful descent from an ancestor who has complied therewith.

*Recapitulation of Mississippi Choctaw applications.*

	Number of applications heard.	Number of persons included in such applications.
Up to and inclusive of June 30, 1900.....	481	1,665
At Muskogee, Ind. T., from July 1, 1900, to Nov. 30, 1900, inclusive.....	641	2,098
At Hattiesburg, Miss., Dec. 17 to Dec. 22, 1900, inclusive.....	93	355
At Atoka, Ind. T., from Jan. 2 to June 30, 1901, inclusive.....	636	1,825
At Meridian, Miss., from Apr. 1 to June 30, 1901, inclusive.....	788	3,002
At Philadelphia, Neshoba County, Miss., from Apr. 29 to May 4, 1901, inclusive.....	76	229
At Carthage, Leake County, Miss., from May 6 to May 11, 1901, inclusive.....	56	203
At Decatur, Newton County, Miss., from May 13 to May 18, 1901, inclusive.....	33	101
Total number of applications for identification as Mississippi Choctaws heard up to and inclusive of June 30, 1901.....	2,794	.....
Total number of persons included in such applications.....	.....	9,476

## CHEROKEES.

In January, 1900, the commission began to address itself to the problems of making a correct roll of the citizens of the Cherokee Nation, as required by section 1 of the Curtis law, approved June 28, 1898. As much of said section as relating to duty is as follows:

That in making rolls of citizenship of the several tribes, as required by Commission to the Five Civilized Tribes is authorized and directed to take a roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended, confirmed by this and preceding acts of Congress, and to enroll all persons not on whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlements in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under existing laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decision of the Court of Claims rendered the 3d day of February, 1896.

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The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and to him be given such allotment and distributions and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

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Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt, as also to require all citizens of said tribes and persons who should be so enrolled to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary to enable said commission to make rolls as herein required, and to punish anyone who may, in any manner or by any means, obstruct said work.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

To the foregoing legislation there has been added the following provision in the Indian appropriation bill of May 31, 1900:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has

not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

The classes to be considered under both of the acts quoted are Cherokee by blood and intermarriage, adopted Delawares, adopted Shawnee, and freedmen.

The tribal rolls were found to be in a state of great confusion, and it was early seen that to secure accuracy and to make anything approaching satisfactory progress, indexes would first have to be made of the principal rolls of the nation. Such aids, requiring great labor and care, were prepared of the roll of 1880, comprising 20,439 names, the strip payment roll of 1894 of 24,989 names, and the census roll of 1896 of 33,008 names.

This work being completed, the commission advertised appointments in the Cherokee Nation for the enrollment of Cherokee citizens. These appointments extended from May 14 to December 20, 1900, but owing to unforeseen circumstances it was found impossible to begin this work prior to July 9, and these appointments were canceled. New appointments were announced, and they were kept as follows:

Fairland, from Monday, July 9, to Friday, July 13, inclusive.  
Westville, from Monday, July 16, to Friday, July 20, inclusive.  
Stilwell, from Monday, July 23, to Friday, July 27, inclusive.  
Bunch, from Monday, July 30, to Friday, August 3, inclusive.  
Sallisaw, from Monday, August 6, to Friday, August 10, inclusive.  
Muldrow, from Monday, August 13, to Friday, August 17, inclusive.  
Fort Gibson, from Monday, August 20, to Friday, August 31, inclusive.  
Pryor Creek, from Monday, September 10, to Friday, September 14, inclusive.  
Vinita, from Monday, September 17, to Friday, October 5, inclusive.  
Bartlesville, from Monday, October 8, to Friday, October 12, inclusive.  
Nowata, from Monday, October 15, to Friday, October 19, inclusive.  
Claremore, from Monday, October 22, to Friday, November 16, inclusive.  
Chelsea, from Monday, November 19, to Friday, November 23, inclusive.  
Tahlequah, from Tuesday, November 27, to Thursday, December 20, inclusive.

After the close of the appointment at Tahlequah the Cherokee enrollment division returned to Muscogee and remained there during the remainder of the winter and until March 30, 1901, continuing enrollment work and perfecting the records and disposition of the data accumulated in the field.

Shortly after beginning the enrollment in the Cherokee Nation it was found impracticable to hear applications of freedmen for enrollment at the appointments which had been given out, owing to the great number of Cherokees who appeared before the commission, the great number of contested cases among freedmen applicants, and the varied provisions of law applicable to the different classes of citizens and claimants. Consequently the freedmen were notified that their applications would be heard during the early part of the year 1901. This assured greater care in taking the cases and greater convenience to all concerned, and it was accepted as a satisfactory arrangement.

The following is a copy of the instructions issued by the Department, based upon the decree of the Court of Claims, under which the hearing of freedmen has thus far progressed:

ACTING CHAIRMAN OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIR: The act of Congress approved June 28, 1898 (30 Stat. L., 495), in prescribing the duties of your commission in the matter of making rolls of citizenship of the several tribes, among other things said:

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the 3d day of February, 1896."

This direction is plain and explicit. The decree referred to was rendered in the case of Whitmire, trustee, *v.* Cherokee Nation et al. Some question has arisen as to what constitutes a strict compliance with the terms of that decree.

The Cherokee national council, by acts of April 26, 1886, November 25, 1890, and May 3, 1894, had restricted the distribution of funds derived from the public domain of the nation and from sales of lands to the United States to citizens of the nation by



blood, excluding the freedmen from any share therein, and the Court of Claims was authorized to determine as to the right of the freedmen to share in the distribution of such funds. The court rendered a decree in 1895 (30 C. Cls. 180), finding that the freedmen were entitled to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood. It was further decreed that the roll of such freedmen known as the "Wallace roll" should be taken as showing the true number of such freedmen, and the Secretary of the Interior was directed as follows:

"To cause the Wallace roll aforesaid to be further corrected by adding thereto descendants born since March 3, 1883, and prior to May 3, 1894, striking therefrom the names of those who have died or have ceased to be citizens of the Cherokee Nation between the aforesaid dates, so that when thus amended and changed it shall represent the number of freedmen, free colored persons, and their descendants aforesaid entitled to participation in the distribution of the fund now awarded to the complainant."

This decree was not satisfactory to either party, the adoption of the Wallace roll being especially objected to by the Cherokee Nation. In order, however, to avoid an appeal and further litigation, the parties agreed to certain modifications, and the court approving that course, the decree of February 3, 1896, was entered as the final decree in the case.

The finding of the court as to the rights of the complainants is as follows:

"And it appearing to the court that under the provisions of article 9 of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said freedmen, who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last-mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities and to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood."

Upon this and the other findings the acts of the Cherokee national council excluding the "aforesaid freedmen and free colored persons and their descendants" from participation in the distribution of the national funds were declared void and the Cherokee Nation and the United States, as trustee of the Cherokee Nation, were enjoined and prohibited in thereafter making distribution of the proceeds of the public domain or common property of the nation "from making any discrimination between the Cherokee citizens of Cherokee blood or parentage and Cherokee citizens who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants, to the prejudice of the latter."

It was declared that "the freedmen and their descendants and free colored persons" should include only such persons of said classes as had not forfeited or abjured their citizenship of said Cherokee Nation at the date of said decree.

The most important part of said decree for the purpose of the present inquiry is found in a paragraph prescribing the method of ascertaining and determining who are the individual freedmen of the Cherokee Nation, which paragraph is as follows:

"And it is further ordered and adjudged that, for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share in the distribution of the said sum of \$903,365, the Secretary of the Interior be authorized to appoint three commissioners, one on the nomination of the complainant and one on the nomination of the defendant, the Cherokee Nation, but both nominations to be approved by him, to proceed to the Cherokee country and hear the testimony both for and against the identity of all freedmen, free colored persons, and their descendants, claiming to be entitled to share in the distribution of said \$903,365, that may be offered by the respective parties to this suit; and that each of said parties shall be entitled to be represented before said commissioners, either at the taking of testimony in the Cherokee country or elsewhere; and that the said commissioners, in ascertaining the identity of the freedmen entitled to share under this decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1880 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation hereinbefore referred to, and their descendants; and the said commissioners

shall ascertain who of said persons named on said roll were alive, and what descendants of said persons were alive on May 3, 1894, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll."

A roll was made under this decree, known as the "Clifton roll," which was approved by this Department in 1897. It has been claimed that said roll contains many names not properly belonging there, but whether this fact influenced Congress to disregard that roll and direct that a new one be made in strict compliance with said decree is immaterial, for the fact remains that the decree alone is to be taken as a guide for making the roll which your commission is to prepare.

The roll of 1880, made by the Cherokee Nation, is to be accepted by you as conclusive of the right of all persons whose names are found thereon and of their descendants to be enrolled by you. Your only duty in relation thereto is to ascertain who of the persons named therein are alive and who of their descendants are alive and place their names on your roll, omitting, however, all who have forfeited or abjured their citizenship.

In the former decree the Wallace roll, after being corrected by adding the names of descendants and striking off the names of those who had died or ceased to be citizens, was to be taken as the correct roll of all freedmen, free colored persons, and their descendants entitled to citizenship. The same explicit direction was not given in the modified decree as to the roll of 1880. By the former decree the Secretary of the Interior was authorized to appoint a commissioner to ascertain and report the facts necessary for the correction of the Wallace roll, but in the modified decree he was, for the purpose of ascertaining and determining who are the individual freedmen, authorized to appoint three commissioners "to proceed to the Cherokee country and hear testimony both for and against the identity of all freedmen, free colored persons, and their descendants claiming to be entitled to share in the distribution of said \$903,365." This commission was not restricted to ascertaining the facts necessary to complete and bring up to date the roll of 1880, but in addition to that duty were also to hear testimony both for and against the identity of all freedmen, free colored persons, and their descendants claiming citizenship in the Cherokee Nation, but no evidence was to be accepted tending to disprove the citizenship of any person whose name appears upon the roll of 1880. Evidently something more than the completion and correction of the roll of 1880 was intended. It was intended that a full and complete roll should be made that should include the names of all freedmen, free colored persons, and their descendants entitled to be recognized as citizens of the Cherokee Nation. It is your duty now to make such a roll, which shall include the names of all Cherokee citizens "who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty or who returned thereto within six months thereafter, and their descendants."

The instructions of November 23, 1899, upon this subject are hereby revoked.

Very respectfully,

E. A. HENNECOCK, *Secretary.*

In preparing the rolls of this nation many difficulties are encountered. Among the full bloods it is often found very difficult to identify them on the rolls. The full-blood Indian is frequently known, at different periods, by different names, his recollection is exceedingly poor, and from this arises great delay and many variations of names, which have to be explained and established as best may be. It frequently requires an hour or more to identify and determine the name of a full-blood Indian.

In the preparation of the freedmen rolls the greatest difficulty encountered is in the cases which are being contested by the representatives of the Cherokee Nation. Many witnesses are introduced on both sides, and the record in such cases is becoming very voluminous, amounting in some instances to more than 100 pages of single-space typewritten matter in a single case. Yet the record in these cases is by no means completed, as both the attorneys for the Cherokee Nation and for the applicants have signified their intention to introduce much additional evidence. It is safe to say that more difficulties are encountered in making an accurate roll of the Cherokee freedmen and more time will be so consumed than with all the balance of the Cherokee Nation.

The estimate of the probable number of persons of all classes who will be found rightfully entitled to enrollment as Cherokee citizens is approximately 38,500.

with a view to larger results. It was proven very difficult to obtain affidavits of qualified persons as to the death of citizens desirously seeking enrollment. It was deemed advisable to give permission to a secretary, in pursuance of his work to the trust and confidence placed in him, to obtain affidavits of the death of a citizen there being sent to some relative or friend for a report of death for the purpose of having the same made a matter of record. In addition thereto, such a family (sister, sister-in-law, or brother) whose affidavits of the Choctaw Nation and of the districts of the Chickasaw Nation have been furnished with these blanks, and have been repeatedly requested and admonished to furnish the information they might have relative to the death of a citizen of the Choctaw or Chickasaw Nation, during the year the report of the death of a citizen whose parents have been listed for enrollment as being about the average of the year previous. No preference has been exercised in the acceptance of these affidavits, and in no instance have the same been considered unless the commission was fully satisfied as to the identity of the parents and as to the sufficiency of the affidavits.

#### SUMMARIZED STATEMENT OF APPLICATIONS.

During the past fiscal year the following applications have been heard by this commission in its several branches:

*Choctaws*.—Eight original applications, embracing 22 persons for enrollment as citizens by blood of the Choctaw Nation; 17 original applications of white persons, applicants for enrollment as citizens, by intermarriage of the Choctaw Nation; 1 application where the applicant claimed his right under a judgment of the United States court in Indian Territory.

All of these persons were duly listed for enrollment.

Seven applications, embracing 21 persons, for enrollment as citizens by blood of the Choctaw Nation were heard by the commission, but were not acted upon and have been placed upon the doubtful list of applicants for enrollment awaiting final action. Fifteen applications of white persons for enrollment as citizens by intermarriage have also been heard and yet remain to be acted upon. Forty-one applications, embracing the claims of 121 persons for enrollment as citizens by blood of the Choctaw Nation, have been heard by the commission and the applicants refused enrollment, and 5 applicants for enrollment as citizens by intermarriage have also been refused. During the year the commission heard 36 original applications, embracing the claims of 278 persons for enrollment as citizens by blood of the Choctaw Nation, who were reported as refused under the act of Congress of May 31, 1900 (31 Stat. L. 231).

*Chickasaws*.—Seven applications, embracing 15 persons, for enrollment as citizens by blood of the Chickasaw Nation; 1 application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The above persons were duly listed for enrollment.

Seven applications, embracing 27 persons, 18 claiming by blood and 9 by intermarriage, for enrollment as citizens of the Chickasaw Nation were heard by the commission, but were not acted upon and have been placed upon the doubtful list of applicants for enrollment. Sixteen applications, embracing the claims of 63 persons, for enrollment as citizens by blood of the Chickasaw Nation have been heard and their applications have been reported as refused under the provision of the act of Congress of May 31, 1900.

*Choctaw freedmen*.—During the year's applications, including 18 persons, for enrollment as freedmen of the Choctaw Nation have been heard and remain unacted upon.

*Chickasaw freedmen*.—Six applications, including 29 persons, for enrollment as freedmen of the Chickasaw Nation have been heard and remain unacted upon by the commission at the close of the fiscal year.

At the close of the fiscal year the records of this division show the following facts relative to the enrollment of the citizens by blood and intermarriage and of the freedmen of these two nations:

## CHOCTAW.

Number of Choctaw cases in which the applicants have been listed for enrollment .....	5,283
Number of persons listed for enrollment as citizens by blood and intermarriage of the Choctaw Nation .....	17,972
Number of new-born children listed for enrollment as citizens of the Choctaw Nation from July 1, 1900, to June 30, 1901, inclusive .....	506
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as citizens of the Choctaw Nation, from July 1, 1900, to June 30, 1901 .....	158
Number of doubtful or contested cases .....	640
Total number of persons included in doubtful cases .....	1,133
Number of cases where enrollment has been reported as refused .....	746
Number of persons included in rejected cases .....	1,806
Number of cases of enrollment reported as refused under the provision of the act of Congress of May 31, 1900 .....	79
Number of persons included in such applications .....	245

## CHOCTAW COURT CITIZENS.

Number of persons admitted in the Choctaw Nation by judgments of the United States court for the southern district of the Indian Territory .....	1,017
Number of persons admitted in the Choctaw Nation by judgments of the United States court for the central district of the Indian Territory .....	1,137
Number of persons admitted by United States courts .....	2,154
Number of names stricken from judgments by order of the United States court, southern district, Indian Territory .....	126
Total .....	2,028
Number of persons who have been listed for enrollment as citizens of the Choctaw Nation in pursuance of judgments of the United States courts ....	2,336

NOTE.—The increase in number of persons who have been listed for enrollment over those admitted by judgments of the courts is by reason of the listment for enrollment of children born since date of judgment admitting their parents.

## CHICKASAW.

Number of Chickasaw cases in which the applicants have been listed for enrollment .....	1,800
Number of persons listed for enrollment as citizens by blood and intermarriage of the Chickasaw Nation .....	6,476
Number of new-born children listed for enrollment as citizens of the Chickasaw Nation from July 1, 1900, to June 30, 1901, inclusive .....	184
Number of persons concerning whom affidavits of death have been received and filed, previously listed for enrollment as citizens of the Chickasaw Nation from July 1, 1900, to June 30, 1900 .....	95
Number of doubtful or contested cases .....	346
Number of persons included in doubtful cases .....	429
Number of cases where enrollment has been reported as refused .....	104
Number of persons included in rejected cases .....	316

# REPORT OF THE SECRETARY OF THE INTERIOR

Number of persons who have been taken into custody since the opening of the season	70
Number of persons who have been taken into custody since the opening of the season	71

## CHICKSAW AND CHICKSAW

Number of persons who have been taken into custody since the opening of the season	70
Number of persons who have been taken into custody since the opening of the season	71

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Number of persons who have been taken into custody since the opening of the season	71

There have been several changes made upon the records of the commission since the opening of the season and the records of the Chickasaw and Chickasaw nations are now in the hands of the commission. It is now a fact that the closing of the season will be a complete and accurate roll, exclusive of the persons who have been taken into custody since the opening of the season. It is now a fact that the closing of the season will be a complete and accurate roll, exclusive of the persons who have been taken into custody since the opening of the season. It is now a fact that the closing of the season will be a complete and accurate roll, exclusive of the persons who have been taken into custody since the opening of the season.

## MISSISSIPPI CHOCTAWS.

Undoubtedly no branch of the commission's work has encountered more difficulties during the past year than that relating to Mississippi Choctaws. The authority under which the commission is empowered to act is contained in the following provisions of law:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior. (Fourth paragraph, sec. 21, act of Congress approved June 28, 1898.)

The fourteenth article of the treaty of 1830, referred to in the above quotation, is as follows:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

Again:

That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void. (Indian appropriation act, approved May 31, 1900.)

The obligations imposed to decide whether an applicant is entitled to rights in the Choctaw lands in Indian Territory as a descendant of a Choctaw Indian who resided in Mississippi in 1830, and who may or may not have complied with a certain provision of a treaty now over 70 years old, developed a subject most difficult to deal with.

Often, if not generally, the connecting link in the way of reliable evidence is found to be lacking, and perhaps impossible of discovery. From July 1 to November 30, 1900, all applications of this character were heard at the general office at Muskogee. Day after day and week after week crowds of people showing absolutely no trace of Indian blood, whites and negroes of all ages and conditions, were making applications under a vague idea of their rights. During this time there were heard 641 of such original applications, embracing 2,098 persons. An appointment having been advertised for the hearing of applicants for identification as Mississippi Choctaws at Hattiesburg, Perry County, Miss., from December 17 to 22, 1900, inclusive, an office was opened at that point in accordance therewith. Here a different character of applicants presented themselves, a majority being full-blood Choctaw Indians, unable to speak the English language. While this appointment had been thoroughly advertised by printed notices being mailed to every post-office in the State of Mississippi and to a large number of individuals, and in addition thereto was published in numerous newspapers in that State, still it did not receive that attention and consid-



By a strict interpretation of the terms of that treaty, all claimants under article 14 failing to be recognized on Ward's lists were debarred, together with their descendants, from receiving the benefits as Choctaw Indians; but by a liberal construction the Government, in appointing the commissions of 1837 and 1842, adopted a policy both just and reasonable, and declared that substantial justice should be done the Mississippi Choctaw, both as to his property rights in Mississippi under the fourteenth article of the treaty of 1830 and his rights in the Choctaw Nation in Indian Territory, should he or his descendants desire at any time to remove thereto. Some of the applicants before Colonel Ward received patents for their lands, but many did not, while many made the preliminary declaration or attempted to do so before him, but no record of such declaration was made.

The question now presents itself, Can a roll of the citizens of the Choctaw and Chickasaw tribes be made or submitted to the Department for approval until the final adjudication and settlement of these Mississippi Choctaw claims has been effected? Requiring a strict compliance with the fourteenth article of the treaty of 1830 by ignorant full-blood Choctaw Indians in the State of Mississippi will produce but little, if any, result favorable to them. That these Indians now live there, and that they and their families and foreparents have lived there for the past seventy years, is unquestionable; that they are Choctaw Indians no one can doubt. They speak the same language of the Choctaws residing in Indian Territory and have the same manners and customs and general appearance. Are they to be precluded from ever sharing in the property rights of the Choctaw Nation in Indian Territory, or shall the governments of the United States and the Choctaw Nation, in their generosity, adopt and make them citizens of the Choctaw Nation? Even such an act of generosity would but little benefit them, for without means of removal they would be unable, poor as they are, to reach the rich lands of the Choctaw Nation that might be bestowed upon them. Reference is here made to the neglected full-blood Choctaw Indians now residing in Mississippi, and not to the great army of apparent whites and negroes who have presented themselves in the State of Mississippi and in Indian Territory, but whose case also requires solution. With the latter class the general conditions, surroundings, and appearances are not favorable evidence, and it seems that respecting this class the only rule just to the Choctaw Nation and such applicants is by lending reasonable and proper assistance to the ignorant claimant to develop his case, yet to consider that the burden of proof is and should be upon the applicant, and that he should be required, after being given a fair understanding of the terms and conditions of the fourteenth article of the treaty of 1830, to show that he has complied with that article or that he is entitled to its benefits by lawful descent from an ancestor who has complied therewith.

*Recapitulation of Mississippi Choctaw applications.*

	Number of applications heard	Number of persons included in such applications.
Up to and inclusive of June 30, 1900 .....	481	1,665
At Muskogee, Ind. T., from July 1, 1900, to Nov. 30, 1900, inclusive .....	641	2,098
At Hattiesburg, Miss., Dec. 17 to Dec. 22, 1900, inclusive .....	93	355
At Atoka, Ind. T., from Jan. 2 to June 30, 1901, inclusive .....	636	1,825
At Meridian, Miss., from Apr. 1 to June 30, 1901, inclusive .....	788	3,002
At Philadelphia, Neshoba County, Miss., from Apr. 29 to May 4, 1901, inclusive .....	76	229
At Carthage, Leake County, Miss., from May 6 to May 11, 1901, inclusive .....	56	203
At Decatur, Newton County, Miss., from May 13 to May 18, 1901, inclusive .....	33	101
Total number of applications for identification as Mississippi Choctaws heard up to and inclusive of June 30, 1901 .....	2,794	.....
Total number of persons included in such applications .....	.....	9,476



## CHEROKEES.

In January, 1900, the commission began to address itself to the problems of making a correct roll of the citizens of the Cherokee Nation, as required by section 21 of the Curtis law, approved June 28, 1898. As much of said section as relates to this duty is as follows:

That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the 3d day of February, 1896.

\* \* \* \* \*

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

\* \* \* \* \*

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt, as also to require all citizens of said tribes and persons who should be so enrolled to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary to enable said commission to make rolls as herein required, and to punish anyone who may, in any manner or by any means, obstruct said work.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

To the foregoing legislation there has been added the following provision in the Indian appropriation bill of May 31, 1900:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has

not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

The classes to be considered under both of the acts quoted are Cherokee by blood and intermarriage, adopted Delawares, adopted Shawnee, and freedmen.

The tribal rolls were found to be in a state of great confusion, and it was early seen that to secure accuracy and to make anything approaching satisfactory progress indexes would first have to be made of the principal rolls of the nation. Such tables requiring great labor and care, were prepared of the roll of 1890, comprising 20,440 names, the strip payment roll of 1894 of 24,989 names, and the census roll of 1890 of 33,008 names.

This work being completed, the commission advertised appointments in the Cherokee Nation for the enrollment of Cherokee citizens. These appointments extended from May 14 to December 20, 1900, but owing to unforeseen circumstances it was found impossible to begin this work prior to July 9, and the earlier appointments were canceled. New appointments were announced, and they were kept as follows:

Fairland, from Monday, July 9, to Friday, July 13, inclusive.  
Westville, from Monday, July 16, to Friday, July 20, inclusive.  
Stilwell, from Monday, July 23, to Friday, July 27, inclusive.  
Bunch, from Monday, July 30, to Friday, August 3, inclusive.  
Sallisaw, from Monday, August 6, to Friday, August 10, inclusive.  
Muldrow, from Monday, August 13, to Friday, August 17, inclusive.  
Fort Gibson, from Monday, August 20, to Friday, August 24, inclusive.  
Pryor Creek, from Monday, September 10, to Friday, September 14, inclusive.  
Vinita, from Monday, September 17, to Friday, October 1, inclusive.  
Bartlesville, from Monday, October 8, to Friday, October 12, inclusive.  
Nowata, from Monday, October 15, to Friday, October 19, inclusive.  
Claremore, from Monday, October 22, to Friday, November 1, inclusive.  
Chelsea, from Monday, November 19, to Friday, November 23, inclusive.  
Tahlequah, from Tuesday, November 27, to Thursday, December 20, inclusive.

After the close of the appointment at Tahlequah the Cherokee enrollment division returned to Muscogee and remained there during the remainder of the winter and until March 30, 1901, continuing enrollment work and perfecting the records and disposition of the data accumulated in the field.

Shortly after beginning the enrollment in the Cherokee Nation it was found impracticable to hear applications of freedmen for enrollment at the appointments which had been given out, owing to the great number of Cherokees who appeared before the commission, the great number of contested cases among freedmen applicants, and the varied provisions of law applicable to the different classes of citizens and claimants. Consequently the freedmen were notified that their applications would be heard during the early part of the year 1901. This assured greater care in taking the cases and greater convenience to all concerned, and it was accepted as a satisfactory arrangement.

The following is a copy of the instructions issued by the Department, based upon the decree of the Court of Claims, under which the hearing of freedmen has thus far progressed:

#### ACTING CHAIRMAN OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIR: The act of Congress approved June 28, 1898 (30 Stat. L., 495), in prescribing the duties of your commission in the matter of making rolls of citizenship of the several tribes, among other things said:

"It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the 3d day of February, 1896."

This direction is plain and explicit. The decree referred to was rendered in the case of Whitmire, trustee, v. Cherokee Nation et al. Some question has arisen as to what constitutes a strict compliance with the terms of that decree.

The Cherokee national council, by acts of April 26, 1886, November 25, 1890, and May 3, 1894, had restricted the distribution of funds derived from the public domain of the nation and from sales of lands to the United States to citizens of the nation by

blood, excluding the freedmen from any share therein, and the Court of Claims was authorized to determine as to the right of the freedmen to share in the distribution of such funds. The court rendered a decree in 1895 (30 C. Cls., 180), finding that the freedmen were entitled to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood. It was further decreed that the roll of such freedmen known as the "Wallace roll" should be taken as showing the true number of such freedmen, and the Secretary of the Interior was directed as follows:

"To cause the Wallace roll aforesaid to be further corrected by adding thereto descendants born since March 3, 1883, and prior to May 3, 1894, striking therefrom the names of those who have died or have ceased to be citizens of the Cherokee Nation between the aforesaid dates, so that when thus amended and changed it shall represent the number of freedmen, free colored persons, and their descendants aforesaid entitled to participation in the distribution of the fund now awarded to the complainant."

This decree was not satisfactory to either party, the adoption of the Wallace roll being especially objected to by the Cherokee Nation. In order, however, to avoid an appeal and further litigation, the parties agreed to certain modifications, and the court approving that course, the decree of February 3, 1896, was entered as the final decree in the case.

The finding of the court as to the rights of the complainants is as follows:

"And it appearing to the court that under the provisions of article 9 of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said freedmen, who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last-mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities and to participate in the Cherokee national funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood."

Upon this and the other findings the acts of the Cherokee national council excluding the "aforesaid freedmen and free colored persons and their descendants" from participation in the distribution of the national funds were declared void and the Cherokee Nation and the United States, as trustee of the Cherokee Nation, were enjoined and prohibited in thereafter making distribution of the proceeds of the public domain or common property of the nation "from making any discrimination between the Cherokee citizens of Cherokee blood or parentage and Cherokee citizens who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants, to the prejudice of the latter."

It was declared that "the freedmen and their descendants and free colored persons" should include only such persons of said classes as had not forfeited or abjured their citizenship of said Cherokee Nation at the date of said decree.

The most important part of said decree for the purpose of the present inquiry is found in a paragraph prescribing the method of ascertaining and determining who are the individual freedmen of the Cherokee Nation, which paragraph is as follows:

"And it is further ordered and adjudged that, for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share in the distribution of the said sum of \$903,365, the Secretary of the Interior be authorized to appoint three commissioners, one on the nomination of the complainant and one on the nomination of the defendant, the Cherokee Nation, but both nominations to be approved by him, to proceed to the Cherokee country and hear the testimony both for and against the identity of all freedmen, free colored persons, and their descendants, claiming to be entitled to share in the distribution of said \$903,365, that may be offered by the respective parties to this suit; and that each of said parties shall be entitled to be represented before said commissioners, either at the taking of testimony in the Cherokee country or elsewhere; and that the said commissioners, in ascertaining the identity of the freedmen entitled to share under this decree, shall accept what is known as the authenticated Cherokee roll, the same now being on file in the office of the Secretary of the Interior, having been furnished to him and purporting to have been taken by the Cherokee Nation in 1880 for the purpose of showing the number of freedmen then entitled to citizenship in the said nation under the terms of the treaty between the United States and the Cherokee Nation hereinbefore referred to, and their descendants; and the said commissioners

shall ascertain who of said persons named on said roll were alive, and what descendants of said persons were alive on May 3, 1894, and no evidence shall be accepted by said commission tending to disprove the citizenship of any of the persons whose names appear upon said roll."

A roll was made under this decree, known as the "Clifton roll," which was approved by this Department in 1897. It has been claimed that said roll contains many names not properly belonging there, but whether this fact influenced Congress to disregard that roll and direct that a new one be made in strict compliance with said decree is immaterial, for the fact remains that the decree alone is to be taken as a guide for making the roll which your commission is to prepare.

The roll of 1880, made by the Cherokee Nation, is to be accepted by you as conclusive of the right of all persons whose names are found thereon and of their descendants to be enrolled by you. Your only duty in relation thereto is to ascertain who of the persons named therein are alive and who of their descendants are alive and place their names on your roll, omitting, however, all who have forfeited or abjured their citizenship.

In the former decree the Wallace roll, after being corrected by adding the names of descendants and striking off the names of those who had died or ceased to be citizens, was to be taken as the correct roll of all freedmen, free colored persons, and their descendants entitled to citizenship. The same explicit direction was not given in the modified decree as to the roll of 1880. By the former decree the Secretary of the Interior was authorized to appoint a commissioner to ascertain and report the facts necessary for the correction of the Wallace roll, but in the modified decree he was, for the purpose of ascertaining and determining who are the individual freedmen, authorized to appoint three commissioners "to proceed to the Cherokee country and hear testimony both for and against the identity of all freedmen, free colored persons, and their descendants claiming to be entitled to share in the distribution of said \$903,365." This commission was not restricted to ascertaining the facts necessary to complete and bring up to date the roll of 1880, but in addition to that duty were also to hear testimony both for and against the identity of all freedmen, free colored persons, and their descendants claiming citizenship in the Cherokee Nation, but no evidence was to be accepted tending to disprove the citizenship of any person whose name appears upon the roll of 1880. Evidently something more than the completion and correction of the roll of 1880 was intended. It was intended that a full and complete roll should be made that should include the names of all freedmen, free colored persons, and their descendants entitled to be recognized as citizens of the Cherokee Nation. It is your duty now to make such a roll, which shall include the names of all Cherokee citizens "who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty or who returned thereto within six months thereafter, and their descendants."

The instructions of November 23, 1899, upon this subject are hereby revoked.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

In preparing the rolls of this nation many difficulties are encountered. Among the full bloods it is often found very difficult to identify them on the rolls. The full-blood Indian is frequently known, at different periods, by different names, his recollection is exceedingly poor, and from this arises great delay and many variations of names, which have to be explained and established as best may be. It frequently requires an hour or more to identify and determine the name of a full-blood Indian.

In the preparation of the freedmen rolls the greatest difficulty encountered is in the cases which are being contested by the representatives of the Cherokee Nation. Many witnesses are introduced on both sides, and the record in such cases is becoming very voluminous, amounting in some instances to more than 100 pages of single-space typewritten matter in a single case. Yet the record in these cases is by no means completed, as both the attorneys for the Cherokee Nation and for the applicants have signified their intention to introduce much additional evidence. It is safe to say that more difficulties are encountered in making an accurate roll of the Cherokee freedmen and more time will be so consumed than with all the balance of the Cherokee Nation.

The estimate of the probable number of persons of all classes who will be found rightfully entitled to enrollment as Cherokee citizens is approximately 38,500.

No separate Indian rolls have been kept of the adopted Shawnees, who have practically become merged into the Cherokee tribe, though such indications as exist do not justify the belief that they are a very numerous class. It should be observed that cases are extremely rare where the Cherokees have intermarried except with the white race or with members of other Indian tribes. The total number of cases of applications for enrollment to July 1 has been 12,237, embracing 35,605 persons. Of these there have been listed for enrollment as follows:

Listed for enrollment on regular cards (no contest or objection):

Full-blood Cherokee .....	2, 327
Full-blood Shawnee .....	185
Mixed-blood Cherokee .....	19, 136
Mixed-blood Shawnee .....	628
Full-blood Delawares .....	343
Mixed-blood Delawares .....	647
Intermarried Cherokee (both sexes) .....	2, 095
Total .....	<u>25, 361</u>

Listed on doubtful cards (including contested cases):

Full-blood Cherokee .....	61
Full-blood Shawnee .....	10
Mixed-blood Cherokee .....	2, 053
Mixed-blood Shawnee .....	132
Full-blood Delawares .....	9
Mixed-blood Delawares .....	28
Intermarried Cherokee (both sexes) .....	576
Total .....	<u>2, 869</u>

Listed for rejection:

Full-blood Shawnee .....	3
Mixed-blood Cherokee .....	245
Mixed-blood Shawnee .....	2
Intermarried Cherokee (both sexes) .....	529
Total .....	<u>799</u>

Listed for rejection for lack of jurisdiction under act of May 31, 1900 (all classes) .....

733

Listed for enrollment on regular Cherokee freedmen cards (no contest or objection) .....

3, 150

Cherokee freedmen applicants listed for rejection .....

285

Listed on doubtful Cherokee freedmen cards (including contested cases) .....

2, 428

#### RECAPITULATION.

Number of persons included in applications heard up to and inclusive of June 30, 1901, as Cherokees, Shawnees, and Delawares, by blood and intermarriage, and freedmen:

On regular cards .....	28, 511
On doubtful cards .....	5, 297
On rejected cards .....	1, 064
Memorandum cases (act May 31, 1900) .....	733

Grand total to July 1, 1901 .....

35, 605

A considerable number of those listed as "doubtful" will in all probability be found entitled to enrollment, but it is impossible at this time to accurately approxi-

mate such number. It is believed that nearly all who have any ground upon which to claim a right to enrollment have applied, except a considerable body of full bloods, the number of which it is difficult to estimate. At the close of this fiscal year there are still a little over 7,000 persons on the authenticated roll of 1880 who have not been enrolled or accounted for. Of this number many will be found to have died, but many are living and have families. Allowing for all contingencies and attempting to approximate what the total final enrollment of the Cherokee Nation may be, the number can be estimated at not less than 35,000 or more than 38,000 persons.

The future work of the Cherokee enrollment division will consist chiefly in securing the enrollment of the outstanding claimants just referred to, taking additional testimony and hearing argument in doubtful and contested cases, reviewing for final presentation to the commission and to the Department of the Interior all of the cases and testimony, and such clerical work as is necessary to the final and proper preparation of the papers and rolls.

To properly estimate this work, as well as the character of that which has been done during the past twelve months, it should be noted that the duties of the commission are largely judicial in their character. It must enroll certain persons with respect to the roll of 1880, "and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law," as well as comply with numerous other requirements set forth in the law. An estate is to be divided upon the principle of equal value among the heirs, and persistent contests are waged to prove a right of inheritance. Many rightful claimants are too ignorant to prove their rights, too poor or infirm to reach the appointments of the commission, and very many full bloods still refuse to concur in any way in the policy of the Government. The cases of the ignorant have to be developed by the examining official, often their testimony has to be gathered for them, and means must yet be devised to bring in or go to many who are helpless and to overcome the unwillingness of the remaining full bloods.

Over 25,000 pages of single-space typewritten testimony has been taken and must be considered, with thousands of accompanying papers, in determining the rights of claimants. Very much, of course, will be added to this before the enrollment work in the Cherokee Nation is completed.

It is expected that by next spring all the field work will be finished, except gathering the remaining full bloods, who are widely scattered, far from the railroads, and in the most mountainous and inaccessible parts of the country. It is expected that by the same time substantial progress will be made in closing out the "doubtful" cases and in getting the cases of other classes into shape for final action. It would be imprudent to predict that the remaining full bloods can be fully accounted for in a shorter time than the spring months, and that then the rolls can be prepared for the approval of the Secretary of the Interior before the middle or latter part of the summer of 1902. It is designed, however, to transmit to the Secretary the completed cases as rapidly as they are disposed of by the commission, in order that the Department's work of review may not be delayed until we finally make up and present the full roll. Already many cases of what is known as the "memorandum" class have been forwarded to the Department under its instructions and finally passed upon, and a continuation of this policy as to the other classes of cases promises to expedite the completion of the roll work and secure the maximum of thoroughness and care.

#### CREEKS.

So fully has the subject of the enrollment of Creek citizens been covered by the commission in the sixth and seventh annual reports it is deemed unnecessary to touch upon this subject beyond a reference to the progress made during the past fiscal year.

During the latter part of the summer, and in the autumn of the calendar year 1900, no aggressive action was taken by the commission looking to the completion of the Creek rolls, owing to the pressure of other duties and owing to the modified legislation relative to the enrollment of Creek citizens which was likely to result from the ratification of the agreement entered into with the Creek Nation March 8, 1900. The routine, however, of the work of this division was kept well in hand, and considerable progress was made in the way of identification and enrollment of citizens as they presented themselves at the office of the commission at Muskogee to secure allotments.

During the month of March, 1901, following the ratification by Congress of the Creek agreement, the commission established an office at Okmulgee, Ind. T., for the enrollment of citizens of said nation as a convenience to persons living in the western part of the nation whose enrollment was desired. Several hundred persons appeared before the commission at that appointment and were listed for enrollment as citizens of the Creek Nation. As the Creek agreement provided that no persons whomsoever should be added to the rolls after the ratification of said agreement, the commission deemed it advisable to make another appointment at Okmulgee during the month of May, at which time the Creek national council was in session, thus giving an opportunity to the full-blood Indians who had theretofore failed or refused to appear before the commission to present themselves for enrollment. The excitement attending what is now known as the "Snake Indian uprising" had, in a large measure, subsided by this time, but there were still a number claiming to be leaders in that band who were opposing the enrollment of the citizens and the allotment of lands, and who were using their influence to prevent the appearance before the commission of citizens living in the western and southwestern part of the nation. It appearing that the aid of the United States court in securing the attendance of this class of Indians was desirable, the commission on May 1 applied for an order requiring all unenrolled Creeks to present themselves before the commission at Okmulgee between the seventh and fifteenth of May. Subsequently such an order was issued, and many delinquents were thus required to come before the commission at Okmulgee, and the desired information was thus obtained. The order of the court referred to was based upon section 21 of the act of Congress of June 28, 1898 (30 Stat. L., 495).

The commission assembled at Okmulgee all of the teams and wagons not in actual use in other branches of the work, and gave public notice through the principal chief and other officials of the tribe that those persons who were without means of conveyance and too poor to secure any would be conveyed to Okmulgee for enrollment and returned to their homes free of charge. As a result of this action the attendance of a large number of persons was secured.

In view of the probable ratification of the agreement then pending, containing the provision above referred to, the officials of the nation rendered all assistance possible, and, as a result of the means employed and the extra efforts put forth, all of the persons, with but one or two exceptions, whose names were on the last authenticated rolls of the Creek Nation, were listed for enrollment on the 25th day of May, 1901, the date on which the agreement was ratified by the Creeks. The agreement referred to contains the following provisions relative to the enrollment of Creek citizens:

No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the 1st day of April, 1899, entitled to be enrolled under section 21 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said commission under said act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the

lands and money to which he would be entitled if living shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment up to and including the 1st day of July, 1900, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date the lands and moneys to which it would be entitled if living shall descend to its heirs according to the laws of descent and distribution of the Creek Nation and be allotted and distributed to them accordingly.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Said commission shall have authority to enroll as Creek citizens certain full blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of non-residence, be excluded from enrollment by section 21 of said act of Congress approved June 28, 1898: *Provided*, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid.

Up to the date of the ratification of the agreement there had been listed for enrollment by the commission 10,026 Indians and 5,151 Creek freedmen. Applications for the enrollment of 323 persons were denied. Affidavits showing proof of birth of 41 children, born between July 1, 1900, and May 25, 1901, were received and filed with the commission, but there being no provision in the Creek agreement for these children they were not listed for enrollment. As no provision is made in the agreement for citizens who died prior to April 1, 1899, and as a large number were listed for enrollment before that date, it is probable that a number of these had died and will not, therefore, be enrolled, thus making the number who will be placed upon the final rolls smaller than it now is.

#### RECAPITULATION.

Creeks by blood listed for enrollment .....	10,026
Creek freedmen listed for enrollment .....	5,151
<b>Total</b> .....	<b>15,177</b>
Birth and death affidavits filed since May 25, 1901:	
Born since March 31, 1899, and died prior to July 1, 1900 .....	33
Born since July 1, 1900 .....	7
Died since April 1, 1899, and prior to July 1, 1900 .....	38
Applications for enrollment reported as denied after a hearing .....	176
Applications for enrollment reported as denied for lack of jurisdiction...	157
Citizenship certificates issued .....	10,794

#### SEMINOLES.

The supplemental agreement made with the Seminoles on September 7, 1899, and ratified by Congress June 2, 1900, provided that the commission should place on the Seminole rolls the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and the names of all Seminole citizens then living.

For the purpose of meeting these requirements the commission held a session at Wewoka, in the Seminole Nation, during August, 1900, and took testimony of citizens as to deaths and births subsequent to the enrollment by the commission in 1899 and prior to January 1, 1900.

The rolls so completed were forwarded to the Department in December, 1900, and



contained the names of 2,757 citizens. They were approved by the Secretary of Interior on April 2, 1901, and in accordance with a provision of the agreement all referred to became "the final rolls of Seminole citizens upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons."

### ALLOTMENT OF LANDS.

#### CREEK NATION.

Since the opening of the Creek allotment office in April, 1899, 10,617 persons have appeared before the commission and made application to select allotments. Of this number 9,557 have received a preliminary allotment of 160 acres and 1,060 have made partial selections. The selections made up to and including June 30, 1901, cover an acreage of 1,626,917 acres. A comparison of the allotment of lands with the classification made by the commission's appraisers in the field shows that ninety-five per cent of the land selected has been distributed in the various classes which denote agricultural land.

In the commencement of the so-called "Snake uprising" over 200 selection certificates issued by the commission were returned to this office, no explanation being given save that occasionally a statement was made that the land was not desired. A large number of these certificates were returned to the commission by the United States marshal for the northern district, who secured them upon the arrest of the leader of this faction, and these certificates have been again mailed to the allottees.

During the appointment of the commission at Okmulgee during the month of May, referred to under the head of "Enrollment of Creek citizens," the allotment office for that tribe was maintained at the same point in conjunction with the allotment office at Muscogee, the two offices being connected by telephone, of which constant use was made during the day. More than 800 applications for allotments were received during this appointment, and the physical resources of the clerical force of the commission at that point were taxed to their utmost to dispose of the work devolving upon it. Most of these applications were those of full-blood Creek Indians, for whom interpreters were required.

Unusual activity in the matter of selecting allotments was displayed during the month of June, when the discovery of petroleum was made near the town of Red Fork, in the Creek Nation. For the most part these applications for allotments in this vicinity were stimulated by the action of speculators, who desired to secure leases from the citizens who might secure the lands in that vicinity in allotment. The commission exercised all possible care to see that the best interests of the Creek citizens were subserved.

Accompanying this report will be found a map showing allotments made to Creek citizens up to the 1st day of July, 1901.

#### SEMINOLE NATION.

On the second day of April, 1901, the Secretary of the Interior approved the final rolls of citizens of the Seminole Nation, prepared by the commission in conformity with the Seminole agreement of December 16, 1897, and supplemental agreement ratified by Congress on June 2, 1900.

This closes the Seminole rolls, upon which there are 2,757 citizens, and fixes a date upon which the allotment of lands and the distribution of the funds in this nation can be made. These are the first rolls to be closed of the Five Civilized Tribes, an important event not only in the destinies of the Seminole Nation but of the other tribes as well.

The appraisement of the lands in the Seminole Nation, in conformity with the

Seminole agreement of December 16, 1897, was completed November 1, 1899, there being \$63,578.92 acres subject to allotment, amounting, according to appraised value, to \$51,246.45.

The Seminole agreement of December 16, 1897, directs that—

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class; the first class to be appraised at \$5, the second class at \$2.50, and the third class at \$1.25 per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered, giving to each the right to select his allotment so as to include any improvements thereon owned by him at the time; and each allottee shall have the sole right of occupancy of the land so allotted to him during the existence of the present tribal government and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government; and the chairman of said commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

Accordingly, there being 2,757 Seminoles who are entitled to participate in the allotment of land and the distribution of the funds of this nation, the share of land in value to which each citizen of the Seminole Nation is entitled amounts to \$308.76.

It being impracticable to allot exactly \$308.76 worth of land, the commission is accordingly allotting to each Seminole citizen such amount of land of said nation as will, according to its appraised value, amount as near as practicable to \$308.76, and in full sections allotments are made of 60 acres of first-class land, 120 acres of second-class land, and 240 acres of third-class land to each citizen, amounting in each case to an appraised value of \$300. In fractional sections the value of an allotment in some cases is slightly in excess and in others slightly below \$300, but in no case are they allowed to exceed the value of a per capita share.

On June 1, 1901, the commission established an office at Wewoka, the capital of the Seminole Nation, for the purpose of allotting the lands in this nation. The Seminoles on their part seemed ready and anxious to make their filings upon the lands selected by them, and the work was started under favorable conditions.

Up to and including the 30th day of June, 1901, the commission has made 815 allotments in the Seminole Nation, nearly one-third of the total number to be made; but it is to be expected in such work that the progress hereafter will be somewhat slower, and the commission does not expect to complete this work in less than six months' time.

In order to accomplish the provision of the Seminole agreement of December 16, 1897, giving to each Seminole citizen the right to select his allotment so as to include any improvements thereon owned by him at the time, the commission had, prior to beginning the work of allotment, made surveys in 25 of the 28 full and fractional townships in the Seminole Nation, and had prepared maps showing all improvements existing at the time.

These maps have been valuable adjuncts to the accomplishment of this work in the matter of enabling citizens to select allotments so as to include their own improvements and to avoid encroaching upon the improvements of others. Up to date there has been but one contest filed in this nation out of the 845 allotments made, and with the information and plats of improvements it is believed that the percentage of contests will continue small.

Exhibit No. 3 shows the progress of the Seminole allotment up to and including June 30, 1901.

#### CLASSIFICATION OF LANDS.

The classification of lands in the Indian Territory was commenced June 30, 1899, in the Choctaw Nation, when four parties, under an appraiser in chief, were placed

in the field. A general description of these parties has already been given in the sixth and seventh annual reports.

When the appraisement of the Seminole Nation was completed, in November, 1899, the party operating in that country was placed in the Choctaw Nation, making a total of five parties and 50 men classifying lands.

These conditions continued until October 25, 1900, when three additional parties were placed in the northern part of the Choctaw Nation. The original five parties had been operating in the Chickasaw Nation subsequent to April, 1900, having finished their assignment of country in the Choctaw Nation.

On November 12 four more parties were placed in the field in the southern part of the Chickasaw Nation, working west to meet the original five parties who were working south. When these parties met the classification of the lands of the Chickasaw Nation was completed. This was about January 15, 1901.

On December 1, 1900, the commission began the classification of lands in the Creek Nation by placing five parties in that territory, equipped the same as those in the Choctaw and Chickasaw nations and operating under a similar schedule.

About January 15, the classification of lands in the Chickasaw Nation having been completed, the nine parties which had operated there were instructed to proceed to the Creek country to assist in classifying the lands of that nation. The progress of this work was delayed on account of the "Snake uprising" in the Creek Nation. As soon as this was put down the work progressed rapidly, and the entire Creek Nation was completed about April 15, 1901.

While operating in the Creek Nation it was found desirable to place parties in the field for the purpose of locating those Indians who had never presented themselves for enrollment and those who had enrolled but had refused to take their allotments. To accomplish this end it was necessary to have the service of experienced men; therefore a surveyor was taken from each of the five parties operating between the Canadian and North Fork of the Canadian River. Each surveyor was furnished with an interpreter to assist him in communicating with the full bloods. After three weeks of persistent work they finally succeeded in locating the greater portion of these Indians and in having them consent to present themselves for enrollment and selection of their allotments.

After completing the classification of the Chickasaw, Creek, and that portion of the Choctaw Nation not having timber on the lands, the seventeen parties, about April 25, were transferred to the Cherokee Nation for the purpose of beginning the work of classification. Operations in this nation were identical with those in the Creek Nation. This work was completed June 30, 1901.

An additional duty was enjoined upon the appraisers in the field when the various parties reached the Cherokee Nation, namely, that of locating each house and improvement and reporting the name of the owner. This was done with a view of facilitating the work of allotment when same shall be reached in that tribe, it having been found in the Creek Nation that the Indians in many instances were unable to properly describe the lands upon which their homes were located with reference to township, range, and quarter section.

With this information fully compiled and properly indexed, the location of applicants when they present themselves may proceed with much less delay than without such data.

With the exception of the Seminole Nation, no lands have been appraised. They have been merely classified into grades, and the expression "appraisement," therefore, with reference to field work heretofore done by the commission, is not strictly correct, as no values were placed on any of these lands. The appraisers were instructed to grade all lands as if in their original condition, ignoring improvements and not considering their location or proximity to market. It is contemplated that as soon as these records have been carefully checked the commission, together with

representatives of the several tribes, will compose a board of appraisement, which will sit for the purpose of placing money values upon all tracts of lands. At that time the fertility of the soil and location with reference to towns and railroads will be considered, and if timber of commercial value is located on a given tract of land an increased value will accordingly be given it.

Should a citizen of any of the nations prior to his allotment sell any timber or stone from his holding, the price obtained for this timber or stone will necessarily be charged against his allotment, in order that all lands and moneys may be equally distributed.

The schedule under which the lands of the Choctaw, Chickasaw, Creek, and Cherokee nations were classified contains nineteen different grades, while that of the Seminole Nation has but three—first, second, and third—valued, respectively, at \$5, \$2, and \$1.25 per acre. The appraisers not only classified in the field, but appraised the lands of the Seminole Nation, and at the same time considered the location and proximity to market with the improvements upon each 160-acre tract. Could this method have been pursued in the other nations the work of appraisement would now be completed. As it is, however, it will take several months to complete the work of placing values upon the remaining 19,000,000 acres of land belonging to the Five Civilized Tribes.

There is given below a schedule used in the various nations for the classification of the lands; also a tabulated statement as to the number of acres in each class and the approximate total acreage of each nation.

#### RULES GOVERNING CLASSIFICATION OF LANDS IN CREEK AND CHEROKEE NATIONS.

1. Lands shall be valued in the appraisement as if in their original condition, excluding improvements.

2. Appraisers will grade and appraise lands without regard to their location and proximity to market.

3. Land will be graded and appraised by quarter sections except in cases where a part of a quarter is of a different grade from the rest. In such cases the quarter sections will be graded and appraised in smaller parcels, but no parcel to be less than 40 acres.

4. If timber is of commercial value, the quantity will be carefully estimated and the variety stated, and it will be valued separately; and if not generally distributed over the tracts, its location will be given.

5. Upon completion of this work the values will be adjusted by the Commission to the Five Civilized Tribes on the basis of the values fixed for each class and the location of the lands and their proximity to market.

#### *Schedule.*

- Class 1. Natural open bottom land.
- Class 2. Best black prairie land.
- Class 3 (a). Bottom land covered with timber and thickets.
- Class 3 (b). Best prairie land other than black.
- Class 4 (a). Bottom land subject to overflow.
- Class 4 (b). Prairie land, smooth and tillable.
- Class 5 (a). Rough land free from rocks.
- Class 5 (b). Rolling land free from rocks.
- Class 6 (a). Rocky prairie land.
- Class 6 (b). Sandy prairie land.
- Class 7 (a). Alkali prairie land.
- Class 7 (b). Hilly and rocky land.
- Class 8 (a). Swamp land.
- Class 8 (b). Mountain pasture land.
- Class 9 (a). Mountain land, sandy loam.
- Class 9 (b). Mountain land, silicious.
- Class 10 (a). Rough and rocky mountain land.
- Class 10 (b). Flint hills.

*Number of acres classified in Creek Nation.*

	Acres.		Acres.
Class 1.....	12,410.09	Class 7 (a).....	31,135.39
Class 2.....	1,739.28	Class 7 (b).....	512,282.50
Class 3 (a).....	194,596.94	Class 8 (a).....	25,469.50
Class 3 (b).....	124,400.32	Class 8 (b).....	91,310.09
Class 4 (a).....	112,385.65	Class 9 (a).....	15,477.58
Class 4 (b).....	571,803.08	Class 9 (b).....	1,464.42
Class 5 (a).....	298,507.51	Class 10 (a).....	59,546.21
Class 5 (b).....	770,756.17		
Class 6 (a).....	202,744.71	Total.....	3,072,813.16
Class 6 (b).....	46,783.70		

*Number of acres classified in the Cherokee Nation.*

	Acres.		Acres.
Class 1.....	11,646.57	Class 7 (a).....	7,700.34
Class 2.....	1,623.36	Class 7 (b).....	614,362.08
Class 3 (a).....	143,836.03	Class 8 (a).....	15,450.27
Class 3 (b).....	231,990.78	Class 8 (b).....	159,394.27
Class 4 (a).....	213,903.87	Class 9 (a).....	12,062.87
Class 4 (b).....	899,207.05	Class 9 (b).....	41,142.81
Class 5 (a).....	322,555.68	Class 10 (a).....	220,341.43
Class 5 (b).....	634,948.27	Class 10 (b).....	469,330.87
Class 6 (a).....	414,899.83		
Class 6 (b).....	5,673.75	Total.....	4,420,070.13

## RULES GOVERNING CLASSIFICATION OF LANDS IN CHOCTAW AND CHICKASAW NATIONS.

Land shall be valued in the appraisalment as if in its original condition, excluding the improvements.

Land will be graded and appraised by quarter sections, except in cases where a part of a quarter section is of a widely different class from the rest. In such cases the quarter section will be graded and appraised in smaller parcels, but no parcel to be less than 40 acres.

If timber is of commercial value the quantity will be carefully estimated, the variety stated, and it will be valued separately, and if not generally distributed over the tracts its location will be given.

Appraisers will grade and appraise lands without regard to location or proximity to market.

Whenever necessary the appraiser in chief, in cooperation with the representatives appointed by the respective executives of the Choctaw and Chickasaw tribes, will thereafter readjust and equalize the appraisements.

Upon completion of this work the values will be adjusted by the Commission to the Five Civilized Tribes on the basis of values fixed for each class and the location of the land and its proximity to market.

*Schedule.*

- Class 1. Natural open bottom land.
- Class 2 (a). Cleared bottom land.
- Class 2 (b). Best black prairie land.
- Class 3. Bottom land covered with timber and thickets. (If the timber is of commercial value it will be appraised separately.)
- Class 4 (a). Best prairie land, other than black.
- Class 4 (b). Bottom land subject to overflow.
- Class 5 (a). Prairie land, smooth and tillable.
- Class 5 (b). Swamp land easily drainable.
- Class 6 (a). Rough prairie land.
- Class 6 (b). Upland with hard timber. (If the timber is of commercial value it will be appraised separately.)
- Class 7 (a). Rocky prairie land.
- Class 7 (b). Swamp land not easily drainable.
- Class 8 (a). Alkali prairie land.
- Class 8 (b). Hilly and rocky land.

- Class 8 (c). Swamp land not profitably drainable.  
 Class 8 (d). Mountain pasture land.  
 Class 9 (a). Sandy land with pine timber. (If the timber is of commercial value it will be appraised separately.)  
 Class 9 (b). Mountain land with pine timber. (If the timber is of commercial value it will be appraised separately.)  
 Class 10. Rough mountain land.

*Number of acres classified in Chickasaw Nation.*

	Acres.		Acres.
Class 1 .....	83,176.76	Class 7 (b) .....	3,673.33
Class 2 (a) .....	15,014.62	Class 8 (a) .....	22,285.97
Class 2 (b) .....	29,974.51	Class 8 (b) .....	307,962.10
Class 3 .....	145,458.75	Class 8 (c) .....	2,214.45
Class 4 (a) .....	173,026.78	Class 8 (d) .....	53,181.70
Class 4 (b) .....	182,819.37	Class 9 (a) .....	0
Class 5 (a) .....	1,505,116.40	Class 9 (b) .....	0
Class 5 (b) .....	12,381.26	Class 10 .....	2,512.74
Class 6 (a) .....	223,800.22		
Class 6 (b) .....	1,748,513.96	Total .....	4,703,108.05
Class 7 (a) .....	191,995.13		

*Number of acres classified in the Choctaw Nation.*

	Acres.		Acres.
Class 1 .....	1,065.54	Class 7 (b) .....	37,587.87
Class 2 (a) .....	3,399.93	Class 8 (a) .....	19,125.03
Class 2 (b) .....	35,235.56	Class 8 (b) .....	1,390,480.84
Class 3 .....	286,190.27	Class 8 (c) .....	14,665.57
Class 4 (a) .....	89,764.97	Class 8 (d) .....	289,276.60
Class 4 (b) .....	281,234.02	Class 9 (a) .....	235,594.12
Class 5 (a) .....	526,187.86	Class 9 (b) .....	765,895.91
Class 5 (b) .....	21,281.44	Class 10 .....	514,296.21
Class 6 (a) .....	129,020.74		
Class 6 (b) .....	2,134,427.48	Total .....	6,950,043.66
Class 7 (a) .....	145,313.70		

## ESTIMATION OF TIMBER.

In the latter part of January, 1901, six timber-estimating parties were placed in the southeast portion of the Choctaw Nation, where pine timber of commercial value was reported to exist in large quantities. A timber-estimating party, as organized by the commission, consists of ten men—a man in charge, six estimators, a packer, a teamster, and a cook. The six estimators work in two divisions. In general the work of estimating timber is done by three men in the following manner: One man runs compass and calls the tallies for the two estimators who work with him, a tally being 125 steps. Four tallies make a quarter of a mile. The compass man travels on the 80-rod line, while the estimators travel on the 40-rod line. At each tally the estimator has, on either side, a 5-acre tract to estimate. This is easily done if the character of the ground is such that the timber can be seen from the estimator's line; but if the land is mountainous or the undergrowth dense the estimator must weave about until he has seen all the timber. The less experienced were required to count the trees and refer to the table (Scribner's rules) to find the number of feet, but the experienced "cruiser," of which the commission's parties were in the major part composed, knows as soon as he sees the timber how much it will cut.

A crew of three men can estimate on an average of two sections a day, and under favorable conditions the work runs three sections, but with the drawbacks incident to nomadic camp life, and with the difficulties that beset the work, two sections a day are as much as an average crew will turn in during the season.

Of the difficulties experienced, the worst is the growth of briars and vines in the uncultivated bottom lands. Through these tangles the estimators make very slow headway. Mountain climbing is wearisome, but greatly to be preferred to floundering around in the "barbed-wire" bottoms. Scarcity of water in the hot months causes considerable suffering and occasions delays in dispatching the work. The men must have good water at the camp, and this necessity often requires the camp to be pitched at considerable distance from the work. When the region is uninhabited the camp must be near a spring. High water is a source of considerable delay in the early spring.

The timber belt of the Choctaw Nation is in a mountainous region in the southeast part. The Kiamitia Range crosses it from east to west. On either side of the Kiamitia are secondary ranges. With the single exception of the Winding Stair Mountains none of them have any well-defined trend. They are irregular upheavals covered with slide rock. The roads through this region are few and hard to travel. The principal timber of the Choctaw Nation is yellow pine. It is very heavy, mill men placing its weight at seven pounds to the foot, board measure. This pine grows rapidly. It is full of pitch and the sapwood is much thicker than that of the pine farther north. The growth of the pine is spotted, most of the land being barren of commercial timber. The groves usually cover from 10 to 15 acres. The size of the timber ranges from 8 inches to 16 inches, though 24 to 30 inch timber is found. A great deal of timber has been cut by mill men.

The principal hard wood of the Choctaw Nation is white oak, which is found south of the Kiamitia Mountains, though not of such quality as to be of commercial value. Such cedar as grew here was cut years ago and presumably sold and shipped out of the country. Gum spruce is found along nearly all of the rivers, but its inaccessibility makes it for the most part of no commercial value. There is very little walnut in the country. Cypress grows along the rivers in the southern part of the timber belt. One giant cypress on Mountain Fork measured 40 feet around at the ground. The hickory, basswood, sycamore, hackberry, and elm of the nation are of little value.

The land in the timber belt is for the most part unfit for cultivation. There are occasional spots along the streams where the bottoms are above high-water mark, and these are quite productive. The ratio of available land to that which is too rough or too rocky for cultivation is something like 1 to 100. The uplands and mountains afford some grazing for cattle and excellent mast for hogs. The small farmer in this region has range enough for all the stock he cares to raise.

The mineral resources of the timber belt are as yet undeveloped. South of the Kiamitia Mountains the formation is slate.

Ledges of "bull quartz" cross-cut the formation in many localities.

Surface indications point to iron, lead, zinc, and coal in many places. There are fables of old Spanish silver mines in nearly every community. Another popular story is about a place where the Indians formerly obtained lead for molding bullets. There are tales of gold in many places, but up to date there has been no prospecting for that metal. Surface indications of copper, manganese, and graphite are occasionally seen. The population of the timber belt is sparse, except around the railroad towns and interior villages.

The native Choctaw of this region are for the most part improvident, generous, and law abiding. They do little farm work, their main industry being confined to the digging of snakeroot. The woods abound with deer, wild turkeys, and quail, though the killing of deer and turkeys continues throughout the year.

At present the commission is unable to give the exact estimate of timber in this district, but as an approximation it may be stated that there are about 1,000,000,000 feet, principally Norway pine.

## SELECTION SURVEYS.

In making allotments of lands to Creek citizens it was found that many of the Indians were unable to locate themselves, and there was a great deal of contention arising from the fact that many improvements extended through the claims of one or more allottees. Whenever this condition presented itself at the allotment office for the Creek Nation it became necessary to summon the contestants to appear before the commission, with their respective attorneys and witnesses, for the purpose of offering such evidence as would decide to whom the land and the improvements belonged. These decisions were not based entirely upon the statements made by the various witnesses, but also upon the sectional maps and diagrams prepared by the commission's surveyors. On these plats are shown not only the general topography of the section, but the railroads, houses, wagon roads, and property lines. This information enabled the commission to make proper decisions and to place an allottee in possession of his home and improvements.

A survey party for work of this character was placed in the Creek Nation in the spring of 1899. As the commission's work progressed it was discovered that it was necessary to increase these survey parties, especially in the Choctaw and Chickasaw nations; therefore in the fall of 1900 one party was placed in the southwestern portion of the Choctaw Nation, to work along the Missouri, Kansas and Texas Railway and the Red River, where valuable improvements are located and where the country was most thickly settled.

There were also placed at the same time in the Chickasaw Nation two survey parties and in the Seminole Nation one party. These parties were originally composed of one traverseman, who was in charge of the camp, and two surveyors with their field assistants, making a total of nineteen men in camp. The reports from these parties showed that one traverseman was not able to perform the work laid out by two surveyors, therefore, when the commission determined to increase these parties by placing two in the Cherokee Nation, it was decided to reorganize, and out of five parties to make seven, each having two traversemen (one in charge of the party) and one surveyor, with assistants, making a total of fifteen men instead of nineteen. This reorganization, which took place about May 15, has proved to be more of a success than the original plan, inasmuch as the mileage has not only increased, but fewer errors have had to be corrected and the work of the traversemen has been more promptly submitted to the office than in the past. These parties, besides mapping the country, are setting the center corners to each section, thus cutting the land into tracts of 160 acres each. The geological survey, which was completed in 1898, subdivided the land into sections of 640 acres only, and the topography shown by this survey was not found adequate for the commission's use. Specimen plats of this work are submitted herewith.

In order that the Department may be familiar with the extent of this work there is furnished in this report a progress map, showing the lands surveyed by the commission to and including June 30, 1901.

These parties made an average of  $57\frac{1}{2}$  miles per day, 230 miles per month, and a total of 12,088.65 miles for the fiscal year.

As the necessity for this work will be much greater within the next year, the commission expects to place several parties in the Cherokee Nation as soon as the climatic conditions will permit, that all the country requiring this survey may be mapped in time to open an allotment office for this nation.



During the latter part of the summer, and in the autumn of the calendar year 1900, no aggressive action was taken by the commission looking to the completion of the Creek rolls, owing to the pressure of other duties and owing to the modified legislation relative to the enrollment of Creek citizens which was likely to result from the ratification of the agreement entered into with the Creek Nation March 8, 1900. The routine, however, of the work of this division was kept well in hand, and considerable progress was made in the way of identification and enrollment of citizens as they presented themselves at the office of the commission at Muskogee to secure allotments.

During the month of March, 1901, following the ratification by Congress of the Creek agreement, the commission established an office at Okmulgee, Ind. T., for the enrollment of citizens of said nation as a convenience to persons living in the western part of the nation whose enrollment was desired. Several hundred persons appeared before the commission at that appointment and were listed for enrollment as citizens of the Creek Nation. As the Creek agreement provided that no persons whomsoever should be added to the rolls after the ratification of said agreement, the commission deemed it advisable to make another appointment at Okmulgee during the month of May, at which time the Creek national council was in session, thus giving an opportunity to the full-blood Indians who had theretofore failed or refused to appear before the commission to present themselves for enrollment. The excitement attending what is now known as the "Snake Indian uprising" had, in a large measure, subsided by this time, but there were still a number claiming to be leaders in that band who were opposing the enrollment of the citizens and the allotment of lands, and who were using their influence to prevent the appearance before the commission of citizens living in the western and southwestern part of the nation. It appearing that the aid of the United States court in securing the attendance of this class of Indians was desirable, the commission on May 1 applied for an order requiring all unenrolled Creeks to present themselves before the commission at Okmulgee between the seventh and fifteenth of May. Subsequently such an order was issued, and many delinquents were thus required to come before the commission at Okmulgee, and the desired information was thus obtained. The order of the court referred to was based upon section 21 of the act of Congress of June 28, 1898 (30 Stat. L., 495).

The commission assembled at Okmulgee all of the teams and wagons not in actual use in other branches of the work, and gave public notice through the principal chief and other officials of the tribe that those persons who were without means of conveyance and too poor to secure any would be conveyed to Okmulgee for enrollment and returned to their homes free of charge. As a result of this action the attendance of a large number of persons was secured.

In view of the probable ratification of the agreement then pending, containing the provision above referred to, the officials of the nation rendered all assistance possible, and, as a result of the means employed and the extra efforts put forth, all of the persons, with but one or two exceptions, whose names were on the last authenticated rolls of the Creek Nation, were listed for enrollment on the 25th day of May, 1901, the date on which the agreement was ratified by the Creeks. The agreement referred to contains the following provisions relative to the enrollment of Creek citizens:

No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the 1st day of April, 1899, entitled to be enrolled under section 21 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said commission under said act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the

lands and money to which he would be entitled if living shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment up to and including the 1st day of July, 1900, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date the lands and moneys to which it would be entitled if living shall descend to its heirs according to the laws of descent and distribution of the Creek Nation and be allotted and distributed to them accordingly.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Said commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of non-residence, be excluded from enrollment by section 21 of said act of Congress approved June 28, 1898: *Provided*, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid.

Up to the date of the ratification of the agreement there had been listed for enrollment by the commission 10,026 Indians and 5,151 Creek freedmen. Applications for the enrollment of 323 persons were denied. Affidavits showing proof of birth of 411 children, born between July 1, 1900, and May 25, 1901, were received and filed with the commission, but there being no provision in the Creek agreement for these children they were not listed for enrollment. As no provision is made in the agreement for citizens who died prior to April 1, 1899, and as a large number were listed for enrollment before that date, it is probable that a number of these had died and will not, therefore, be enrolled, thus making the number who will be placed upon the final rolls smaller than it now is.

## RECAPITULATION.

Creeks by blood listed for enrollment .....	10,026
Creek freedmen listed for enrollment .....	5,151
<b>Total</b> .....	<b>15,177</b>
Birth and death affidavits filed since May 25, 1901:	
Born since March 31, 1899, and died prior to July 1, 1900 .....	33
Born since July 1, 1900 .....	7
Died since April 1, 1899, and prior to July 1, 1900 .....	38
Applications for enrollment reported as denied after a hearing .....	176
Applications for enrollment reported as denied for lack of jurisdiction...	157
Citizenship certificates issued .....	10,794

## SEMINOLES.

The supplemental agreement made with the Seminoles on September 7, 1899, and ratified by Congress June 2, 1900, provided that the commission should place on the Seminole rolls the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and the names of all Seminole citizens then living.

For the purpose of meeting these requirements the commission held a session at Wewoka, in the Seminole Nation, during August, 1900, and took testimony of citizens as to deaths and births subsequent to the enrollment by the commission in 1899 and prior to January 1, 1900.

The rolls so completed were forwarded to the Department in December, 1900, and

contained the names of 2,757 citizens. They were approved by the Secretary of the Interior on April 2, 1901, and in accordance with a provision of the agreement above referred to became "the final rolls of Seminole citizens upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons."

### ALLOTMENT OF LANDS.

#### CREEK NATION.

Since the opening of the Creek allotment office in April, 1899, 10,617 persons have appeared before the commission and made application to select allotments. Of this number 9,557 have received a preliminary allotment of 160 acres and 1,060 have made partial selections. The selections made up to and including June 30, 1901, cover an acreage of 1,626,917 acres. A comparison of the allotment of lands with the classification made by the commission's appraisers in the field shows that ninety-five per cent of the land selected has been distributed in the various classes which denotes agricultural land.

In the commencement of the so-called "Snake uprising" over 200 selection certificates issued by the commission were returned to this office, no explanation being given save that occasionally a statement was made that the land was not desired. A large number of these certificates were returned to the commission by the United States marshal for the northern district, who secured them upon the arrest of the leader of this faction, and these certificates have been again mailed to the allottees.

During the appointment of the commission at Okmulgee during the month of May, referred to under the head of "Enrollment of Creek citizens," the allotment office for that tribe was maintained at the same point in conjunction with the allotment office at Muscogee, the two offices being connected by telephone, of which constant use was made during the day. More than 800 applications for allotments were received during this appointment, and the physical resources of the clerical force of the commission at that point were taxed to their utmost to dispose of the work devolving upon it. Most of these applications were those of full-blood Creek Indians, for whom interpreters were required.

Unusual activity in the matter of selecting allotments was displayed during the month of June, when the discovery of petroleum was made near the town of Red Fork, in the Creek Nation. For the most part these applications for allotments in this vicinity were stimulated by the action of speculators, who desired to secure leases from the citizens who might secure the lands in that vicinity in allotment. The commission exercised all possible care to see that the best interests of the Creek citizens were subserved.

Accompanying this report will be found a map showing allotments made to Creek citizens up to the 1st day of July, 1901.

#### SEMINOLE NATION.

On the second day of April, 1901, the Secretary of the Interior approved the final rolls of citizens of the Seminole Nation, prepared by the commission in conformity with the Seminole agreement of December 16, 1897, and supplemental agreement ratified by Congress on June 2, 1900.

This closes the Seminole rolls, upon which there are 2,757 citizens, and fixes a date upon which the allotment of lands and the distribution of the funds in this nation can be made. These are the first rolls to be closed of the Five Civilized Tribes, an important event not only in the destinies of the Seminole Nation but of the other tribes as well.

The appraisalment of the lands in the Seminole Nation, in conformity with the

Seminole agreement of December 16, 1897, was completed November 1, 1899, there being 363,578.92 acres subject to allotment, amounting, according to appraised value, to \$851,246.45.

The Seminole agreement of December 16, 1897, directs that—

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class; the first class to be appraised at \$5, the second class at \$2.50, and the third class at \$1.25 per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered, giving to each the right to select his allotment so as to include any improvements thereon owned by him at the time; and each allottee shall have the sole right of occupancy of the land so allotted to him during the existence of the present tribal government and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government; and the chairman of said commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

Accordingly, there being 2,757 Seminoles who are entitled to participate in the allotment of land and the distribution of the funds of this nation, the share of land in value to which each citizen of the Seminole Nation is entitled amounts to \$308.76.

It being impracticable to allot exactly \$308.76 worth of land, the commission is accordingly allotting to each Seminole citizen such amount of land of said nation as will, according to its appraised value, amount as near as practicable to \$308.76, and in full sections allotments are made of 60 acres of first-class land, 120 acres of second-class land, and 240 acres of third-class land to each citizen, amounting in each case to an appraised value of \$300. In fractional sections the value of an allotment in some cases is slightly in excess and in others slightly below \$300, but in no case are they allowed to exceed the value of a per capita share.

On June 1, 1901, the commission established an office at Wewoka, the capital of the Seminole Nation, for the purpose of allotting the lands in this nation. The Seminoles on their part seemed ready and anxious to make their filings upon the lands selected by them, and the work was started under favorable conditions.

Up to and including the 30th day of June, 1901, the commission has made 845 allotments in the Seminole Nation, nearly one-third of the total number to be made; but it is to be expected in such work that the progress hereafter will be somewhat slower, and the commission does not expect to complete this work in less than six months' time.

In order to accomplish the provision of the Seminole agreement of December 16, 1897, giving to each Seminole citizen the right to select his allotment so as to include any improvements thereon owned by him at the time, the commission had, prior to beginning the work of allotment, made surveys in 25 of the 28 full and fractional townships in the Seminole Nation, and had prepared maps showing all improvements existing at the time.

These maps have been valuable adjuncts to the accomplishment of this work in the matter of enabling citizens to select allotments so as to include their own improvements and to avoid encroaching upon the improvements of others. Up to date there has been but one contest filed in this nation out of the 845 allotments made, and with the information and plats of improvements it is believed that the percentage of contests will continue small.

Exhibit No. 3 shows the progress of the Seminole allotment up to and including June 30, 1901.

#### CLASSIFICATION OF LANDS.

The classification of lands in the Indian Territory was commenced June 30, 1899, in the Choctaw Nation, when four parties, under an appraiser in chief, were placed

in the field. A general description of these parties has already been given in the sixth and seventh annual reports.

When the appraisement of the Seminole Nation was completed, in November, 1899, the party operating in that country was placed in the Choctaw Nation, making a total of five parties and 50 men classifying lands.

These conditions continued until October 25, 1900, when three additional parties were placed in the northern part of the Choctaw Nation. The original five parties had been operating in the Chickasaw Nation subsequent to April, 1900, having finished their assignment of country in the Choctaw Nation.

On November 12 four more parties were placed in the field in the southern part of the Chickasaw Nation, working west to meet the original five parties who were working south. When these parties met the classification of the lands of the Chickasaw Nation was completed. This was about January 15, 1901.

On December 1, 1900, the commission began the classification of lands in the Creek Nation by placing five parties in that territory, equipped the same as those in the Choctaw and Chickasaw nations and operating under a similar schedule.

About January 15, the classification of lands in the Chickasaw Nation having been completed, the nine parties which had operated there were instructed to proceed to the Creek country to assist in classifying the lands of that nation. The progress of this work was delayed on account of the "Snake uprising" in the Creek Nation. As soon as this was put down the work progressed rapidly, and the entire Creek Nation was completed about April 15, 1901.

While operating in the Creek Nation it was found desirable to place parties in the field for the purpose of locating those Indians who had never presented themselves for enrollment and those who had enrolled but had refused to take their allotments. To accomplish this end it was necessary to have the service of experienced men; therefore a surveyor was taken from each of the five parties operating between the Canadian and North Fork of the Canadian River. Each surveyor was furnished with an interpreter to assist him in communicating with the full bloods. After three weeks of persistent work they finally succeeded in locating the greater portion of these Indians and in having them consent to present themselves for enrollment and selection of their allotments.

After completing the classification of the Chickasaw, Creek, and that portion of the Choctaw Nation not having timber on the lands, the seventeen parties, about April 25, were transferred to the Cherokee Nation for the purpose of beginning the work of classification. Operations in this nation were identical with those in the Creek Nation. This work was completed June 30, 1901.

An additional duty was enjoined upon the appraisers in the field when the various parties reached the Cherokee Nation, namely, that of locating each house and improvement and reporting the name of the owner. This was done with a view of facilitating the work of allotment when same shall be reached in that tribe, it having been found in the Creek Nation that the Indians in many instances were unable to properly describe the lands upon which their homes were located with reference to township, range, and quarter section.

With this information fully compiled and properly indexed, the location of applicants when they present themselves may proceed with much less delay than without such data.

With the exception of the Seminole Nation, no lands have been appraised. They have been merely classified into grades, and the expression "appraisement," therefore, with reference to field work heretofore done by the commission, is not strictly correct, as no values were placed on any of these lands. The appraisers were instructed to grade all lands as if in their original condition, ignoring improvements and not considering their location or proximity to market. It is contemplated that as soon as these records have been carefully checked the commission, together with

representatives of the several tribes, will compose a board of appraisement, which will sit for the purpose of placing money values upon all tracts of lands. At that time the fertility of the soil and location with reference to towns and railroads will be considered, and if timber of commercial value is located on a given tract of land an increased value will accordingly be given it.

Should a citizen of any of the nations prior to his allotment sell any timber or stone from his holding, the price obtained for this timber or stone will necessarily be charged against his allotment, in order that all lands and moneys may be equally distributed.

The schedule under which the lands of the Choctaw, Chickasaw, Creek, and Cherokee nations were classified contains nineteen different grades, while that of the Seminole Nation has but three—first, second, and third—valued, respectively, at \$5, \$2, and \$1.25 per acre. The appraisers not only classified in the field, but appraised the lands of the Seminole Nation, and at the same time considered the location and proximity to market with the improvements upon each 160-acre tract. Could this method have been pursued in the other nations the work of appraisement would now be completed. As it is, however, it will take several months to complete the work of placing values upon the remaining 19,000,000 acres of land belonging to the Five Civilized Tribes.

There is given below a schedule used in the various nations for the classification of the lands; also a tabulated statement as to the number of acres in each class and the approximate total acreage of each nation.

#### RULES GOVERNING CLASSIFICATION OF LANDS IN CREEK AND CHEROKEE NATIONS.

1. Lands shall be valued in the appraisement as if in their original condition, excluding improvements.

2. Appraisers will grade and appraise lands without regard to their location and proximity to market.

3. Land will be graded and appraised by quarter sections except in cases where a part of a quarter is of a different grade from the rest. In such cases the quarter sections will be graded and appraised in smaller parcels, but no parcel to be less than 40 acres.

4. If timber is of commercial value, the quantity will be carefully estimated and the variety stated, and it will be valued separately; and if not generally distributed over the tracts, its location will be given.

5. Upon completion of this work the values will be adjusted by the Commission to the Five Civilized Tribes on the basis of the values fixed for each class and the location of the lands and their proximity to market.

#### *Schedule.*

Class 1. Natural open bottom land.

Class 2. Best black prairie land.

Class 3 (a). Bottom land covered with timber and thickets.

Class 3 (b). Best prairie land other than black.

Class 4 (a). Bottom land subject to overflow.

Class 4 (b). Prairie land, smooth and tillable.

Class 5 (a). Rough land free from rocks.

Class 5 (b). Rolling land free from rocks.

Class 6 (a). Rocky prairie land.

Class 6 (b). Sandy prairie land.

Class 7 (a). Alkali prairie land.

Class 7 (b). Hilly and rocky land.

Class 8 (a). Swamp land.

Class 8 (b). Mountain pasture land.

Class 9 (a). Mountain land, sandy loam.

Class 9 (b). Mountain land, silicious.

Class 10 (a). Rough and rocky mountain land.

Class 10 (b). Flint hills.

*Number of acres classified in Creek Nation.*

	Acres.		Acres.
Class 1.....	12,410.09	Class 7 (a).....	31,135.53
Class 2.....	1,739.28	Class 7 (b).....	512,282.56
Class 3 (a).....	194,596.94	Class 8 (a).....	25,469.56
Class 3 (b).....	124,400.32	Class 8 (b).....	91,310.09
Class 4 (a).....	112,385.65	Class 9 (a).....	15,477.58
Class 4 (b).....	571,803.08	Class 9 (b).....	1,464.42
Class 5 (a).....	298,507.51	Class 10 (a).....	59,546.23
Class 5 (b).....	770,756.17		
Class 6 (a).....	202,744.71	Total.....	3,072,813.16
Class 6 (b).....	46,783.70		

*Number of acres classified in the Cherokee Nation.*

	Acres.		Acres.
Class 1.....	11,646.57	Class 7 (a).....	7,700.54
Class 2.....	1,623.36	Class 7 (b).....	614,362.08
Class 3 (a).....	143,836.03	Class 8 (a).....	15,450.27
Class 3 (b).....	231,990.78	Class 8 (b).....	159,394.27
Class 4 (a).....	213,903.87	Class 9 (a).....	12,062.87
Class 4 (b).....	899,207.05	Class 9 (b).....	41,142.81
Class 5 (a).....	322,555.68	Class 10 (a).....	220,341.43
Class 5 (b).....	634,948.27	Class 10 (b).....	469,330.87
Class 6 (a).....	414,899.83		
Class 6 (b).....	5,673.75	Total.....	4,420,070.13

## RULES GOVERNING CLASSIFICATION OF LANDS IN CHOCTAW AND CHICKASAW NATIONS.

Land shall be valued in the appraisalment as if in its original condition, excluding the improvements.

Land will be graded and appraised by quarter sections, except in cases where a part of a quarter section is of a widely different class from the rest. In such cases the quarter section will be graded and appraised in smaller parcels, but no parcel to be less than 40 acres.

If timber is of commercial value the quantity will be carefully estimated, the variety stated, and it will be valued separately, and if not generally distributed over the tracts its location will be given.

Appraisers will grade and appraise lands without regard to location or proximity to market.

Whenever necessary the appraiser in chief, in cooperation with the representatives appointed by the respective executives of the Choctaw and Chickasaw tribes, will thereafter readjust and equalize the appraisements.

Upon completion of this work the values will be adjusted by the Commission to the Five Civilized Tribes on the basis of values fixed for each class and the location of the land and its proximity to market.

*Schedule.*

- Class 1. Natural open bottom land.
- Class 2 (a). Cleared bottom land.
- Class 2 (b). Best black prairie land.
- Class 3. Bottom land covered with timber and thickets. (If the timber is of commercial value it will be appraised separately.)
- Class 4 (a). Best prairie land, other than black.
- Class 4 (b). Bottom land subject to overflow.
- Class 5 (a). Prairie land, smooth and tillable.
- Class 5 (b). Swamp land easily drainable.
- Class 6 (a). Rough prairie land.
- Class 6 (b). Upland with hard timber. (If the timber is of commercial value it will be appraised separately.)
- Class 7 (a). Rocky prairie land.
- Class 7 (b). Swamp land not easily drainable.
- Class 8 (a). Alkali prairie land.
- Class 8 (b). Silty and rocky land.





Of the difficulties experienced, the worst is the growth of briars and vines in the uncultivated bottom lands. Through these tangles the estimators make very slow headway. Mountain climbing is wearisome, but greatly to be preferred to floundering around in the "barbed-wire" bottoms. Scarcity of water in the hot months causes considerable suffering and occasions delays in dispatching the work. The men must have good water at the camp, and this necessity often requires the camp to be pitched at considerable distance from the work. When the region is uninhabited the camp must be near a spring. High water is a source of considerable delay in the early spring.

The timber belt of the Choctaw Nation is in a mountainous region in the southeast part. The Kiamitia Range crosses it from east to west. On either side of the Kiamitias are secondary ranges. With the single exception of the Winding Stair Mountains none of them have any well-defined trend. They are irregular upheavals covered with slide rock. The roads through this region are few and hard to travel. The principal timber of the Choctaw Nation is yellow pine. It is very heavy, mill men placing its weight at seven pounds to the foot, board measure. This pine grows rapidly. It is full of pitch and the sapwood is much thicker than that of the pine farther north. The growth of the pine is spotted, most of the land being barren of commercial timber. The groves usually cover from 10 to 15 acres. The size of the timber ranges from 8 inches to 16 inches, though 24 to 30 inch timber is found. A great deal of timber has been cut by mill men.

The principal hard wood of the Choctaw Nation is white oak, which is found south of the Kiamitia Mountains, though not of such quality as to be of commercial value. Such cedar as grew here was cut years ago and presumably sold and shipped out of the country. Gum spruce is found along nearly all of the rivers, but its inaccessibility makes it for the most part of no commercial value. There is very little walnut in the country. Cypress grows along the rivers in the southern part of the timber belt. One giant cypress on Mountain Fork measured 40 feet around at the ground. The hickory, basswood, sycamore, hackberry, and elm of the nation are of little value.

The land in the timber belt is for the most part unfit for cultivation. There are occasional spots along the streams where the bottoms are above high-water mark, and these are quite productive. The ratio of available land to that which is too rough or too rocky for cultivation is something like 1 to 100. The uplands and mountains afford some grazing for cattle and excellent mast for hogs. The small farmer in this region has range enough for all the stock he cares to raise.

The mineral resources of the timber belt are as yet undeveloped. South of the Kiamitia Mountains the formation is slate.

Ledges of "bull quartz" cross-cut the formation in many localities.

Surface indications point to iron, lead, zinc, and coal in many places. There are fables of old Spanish silver mines in nearly every community. Another popular story is about a place where the Indians formerly obtained lead for molding bullets. There are tales of gold in many places, but up to date there has been no prospecting for that metal. Surface indications of copper, manganese, and graphite are occasionally seen. The population of the timber belt is sparse, except around the railroad towns and interior villages.

The native Choctaw of this region are for the most part improvident, generous, and law abiding. They do little farm work, their main industry being confined to the digging of snakeroot. The woods abound with deer, wild turkeys, and quail, though the killing of deer and turkeys continues throughout the year.

At present the commission is unable to give the exact estimate of timber in this district, but as an approximation it may be stated that there are about 1,000,000,000 eet, principally Norway pine.

## SELECTION SURVEYS.

In making allotments of lands to Creek citizens it was found that many of the Indians were unable to locate themselves, and there was a great deal of contention arising from the fact that many improvements extended through the claims of one or more allottees. Whenever this condition presented itself at the allotment office for the Creek Nation it became necessary to summon the contestants to appear before the commission, with their respective attorneys and witnesses, for the purpose of offering such evidence as would decide to whom the land and the improvements belonged. These decisions were not based entirely upon the statements made by the various witnesses, but also upon the sectional maps and diagrams prepared by the commission's surveyors. On these plats are shown not only the general topography of the section, but the railroads, houses, wagon roads, and property lines. This information enabled the commission to make proper decisions and to place an allottee in possession of his home and improvements.

A survey party for work of this character was placed in the Creek Nation in the spring of 1899. As the commission's work progressed it was discovered that it was necessary to increase these survey parties, especially in the Choctaw and Chickasaw nations; therefore in the fall of 1900 one party was placed in the southwestern portion of the Choctaw Nation, to work along the Missouri, Kansas and Texas Railway and the Red River, where valuable improvements are located and where the country was most thickly settled.

There were also placed at the same time in the Chickasaw Nation two survey parties and in the Seminole Nation one party. These parties were originally composed of one traverseman, who was in charge of the camp, and two surveyors with their field assistants, making a total of nineteen men in camp. The reports from these parties showed that one traverseman was not able to perform the work laid out by two surveyors, therefore, when the commission determined to increase these parties by placing two in the Cherokee Nation, it was decided to reorganize, and out of five parties to make seven, each having two traversemen (one in charge of the party) and one surveyor, with assistants, making a total of fifteen men instead of nineteen. This reorganization, which took place about May 15, has proved to be more of a success than the original plan, inasmuch as the mileage has not only increased, but fewer errors have had to be corrected and the work of the traversemen has been more promptly submitted to the office than in the past. These parties, besides mapping the country, are setting the center corners to each section, thus cutting the land into tracts of 160 acres each. The geological survey, which was completed in 1898, subdivided the land into sections of 640 acres only, and the topography shown by this survey was not found adequate for the commission's use. Specimen plats of this work are submitted herewith.

In order that the Department may be familiar with the extent of this work there is furnished in this report a progress map, showing the lands surveyed by the commission to and including June 30, 1901.

These parties made an average of  $57\frac{1}{2}$  miles per day, 230 miles per month, and a total of 12,088.65 miles for the fiscal year.

As the necessity for this work will be much greater within the next year, the commission expects to place several parties in the Cherokee Nation as soon as the climatic conditions will permit, that all the country requiring this survey may be mapped in time to open an allotment office for this nation.

## TOWN-SITE RESERVATIONS.

The act of Congress approved May 31, 1900 (31 Stat. L., 221), among other things, provides—

Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time.

The following recommendations for reservations have been made:

*Creek Nation.*

Reservation.	Date of recommendation.	Date of approval.	Area.	Railway on which located.
			<i>Acres.</i>	
Winchell.....	Sept. 11, 1900	Oct. 26, 1900	160	St. L., O. and S. Rwy. Co.
Alabama.....	do	do	80	Do.
Mounds.....	Sept. 12, 1900	do	160	Do.
Wetumka.....	do	do	160	Do.
Beggs.....	do	do	160	Do.
Yeager.....	do	do	120	Do.
Henrietta.....	do	do	157.13	Do.
Okmulgee.....	do	Dec. 28, 1900	160	Do.
Oktaha.....	May 24, 1901	do	60	M., K. and T. Rwy.
Summit.....	do	do	40	Do.
Hall.....	May 27, 1901	do	40	St. L. and O. City R. R.
Blackstone.....	do	do	37.40	M., K. and T. Rwy.
Gibson Station.....	do	do	160	Do.
Inola.....	do	do	160	K. and A. V. Rwy.
Kellyville.....	do	do	80	St. L. and O. City R. R.
Leliuetta.....	do	do	40	M., K. and T. Rwy.
Mazie.....	do	do	40	Do.
Red Fork.....	do	do	160	A. and P. R. R.
Rosedale.....	do	do	20	M., K. and T. Rwy.
Ross.....	do	do	40	K. and A. V. Rwy.
Tanchea.....	do	do	40	A. and P. R. R.

*Chickasaw Nation.*

Reservation.	•Date of recommendation.	Date of approval.	Area.	Railway on which located.
			<i>Acres.</i>	
Francis.....	Sept. 11, 1900	Oct. 26, 1900	160	St. L., O. and S. Rwy. Co.
Ada.....	do	Jan. 10, 1901	160	Do.
Roff.....	do	Dec. 28, 1900	160	Do.
Bryant Station.....	do	Oct. 26, 1900	155.45	Do.
Helen.....	do	do	156.90	Do.
Bayla.....	do	Jan. 28, 1901	157.09	Do.
Seullin.....	Sept. 12, 1900	Oct. 26, 1900	120	Do.
Mudill.....	do	Jan. 5, 1901	160	Do.
Woodville.....	do	Oct. 26, 1900	160	Do.
Gray.....	do	do	80	Do.

The areas above given have been modified in some instances since approval was given by the Department to the commission's recommendation, and the foregoing, therefore, will be understood to indicate the acreage as recommended by this office.

## ALLOTMENT CONTESTS.

The following is a detailed statement of the work of the commission relating to allotment contests during the year ended June 30, 1901:

## CREEK NATION.

Contests instituted up to and including June 30, 1900 .....	227
Contests instituted from June 30, 1900, to and including December 31, 1900. ....	25
Contests instituted from December 31, 1900, to and including March 31, 1901. ....	13
Contests instituted from March 31, 1901, to and including June 30, 1901.....	61
<hr/> Total contests instituted during year.....	<hr/> 99
 Total contests instituted up to and including June 30, 1901 .....	 326
<hr/> Contests disposed of prior to July 1, 1900.....	<hr/> 160
Contests disposed of from June 30, 1900, to and including June 30, 1901.....	69
Contests pending on June 30, 1901.....	97
<hr/> Total.....	<hr/> 326

It will be seen that more contests were instituted during the last three months of the year than were instituted during the preceding nine. This increase in the number of contests is no doubt due to the desire of citizens to get their allotment selections in condition to receive deeds therefor, provision for which was made in the Creek agreement which was ratified by the Creek council May 25, 1901.

The majority of the contests instituted in the last three months of the year were in cases where lands containing improvements belonging to citizens had been filed on by other citizens without the consent of the owners of the improvements.

In the commission's report to the Secretary of the Interior for the year ended June 30, 1900, it was stated that—

As this subdivision work progressed many conflicts among the early selections were found to exist, and the commission has been adjusting these filings as they could be reached from time to time. The work of adjustment has been, however, very slow, owing to the difficulty of getting the interested parties in person before the commission, which is necessary to perfect these changes. Some existing conflicts have not yet been reached, owing to this difficulty, but most of them will be properly adjusted in time without contest, as the prevailing spirit of citizens is simply to include their own improvements as far as possible and not to encroach upon anything belonging to others. There are exceptions to this rule, and in such cases settlements are reached through the institution of contest proceedings.

As the work of allotment progressed it was found that many citizens not only refused to appear before the commission and adjust their selections so as not to include improvements belonging to others, but actually claimed that by reason of their filing upon the lands containing improvements belonging to others and the failure of the party owning the improvements to file a contest within ninety days, as is required by rule 2 of the Rules of Practice, they were entitled to have such lands set apart to them as their final allotments. The commission was of the opinion that rule 2 of the Rules of Practice in cases before the land offices of the commission, which is commonly known as the ninety-day rule, was intended to quiet title; in other words, to enable a citizen to select lands not lawfully in the possession of any other citizen with the assurance that after the expiration of ninety days from the date of his original application for the tract of land that he would be permitted to take the lands he selected as an allotment. It appears, however, that many citizens believed that this rule applied to all selections, and it therefore became necessary for the commission

to pass upon the applicability of this rule. Accordingly, in the case of David Hanson v. Phoebe Tucker, decided by the commission on January 8, 1901, it was held that—

Nowhere in the act of Congress of June 28, 1898, or in the rules and regulations of the Secretary of the Interior does it appear that either Congress or the Department intended to provide a means by which one citizen could obtain property belonging to and in lawful possession of another citizen by coming to the land office and selecting it as his allotment. But from the language of the first proviso of section 16 of said act it would appear that "where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe, and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him."

The second proviso to section 11 of said act of Congress reads as follows:

"That whenever it shall appear that any member of a tribe is in possession of lands his allotment may be made out of the lands in his possession, including his home, if the holder so desires."

It will be observed that these provisos refer specifically to allotments and not to selections for allotments, and it is the opinion of the commission that they guarantee to every citizen lawfully in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe, and that to which his wife and minor children are entitled, the right to take such lands as allotments for himself and family.

There is nothing in the act which provides for a forfeiture of this right, and in the absence of an express statute doing so it can not be held that Congress intended to deprive a citizen of his lawful holdings by his failure to file a contest within ninety days from the date of an original application for a tract held by him in accordance with the provisions of said act.

Nor does it appear that the Secretary of the Interior ever intended that a citizen's right to take in allotment lands lawfully held by him under the provisions of said act could be forfeited by such a proceeding as is contemplated by this demurrer.

By a reference to the rules and regulations of the Secretary of the Interior, herein referred to, it will be seen that, after stating the manner in which selections for allotments may be made, he says that after a selection is so made "he (the applicant) may occupy, control, and rent the same for any period not exceeding one year, by any one contract, until lands are in fact allotted to him under terms of said act, and will be protected therein by the Government from interference by all other persons whomsoever."

That this was not intended to apply to selections for allotments made by one citizen of lands lawfully in possession of another citizen under the provisions of said act is evident from the fact if it did it would be in direct conflict with the first proviso to section 16 of said act, which says:

"That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe, and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him."

Holding to this view, the commission is of opinion that rule 2 of the Rules of Practice does not apply to a selection made by one citizen of lands lawfully in possession of another citizen under the provisions of the act of June 28, 1898, unless such selection was made by and with the consent of the party so in possession.

It is believed that this decision will be the means of preventing many contests in the other nations of the Five Tribes, in that it will warn citizens that the commission will not permit one citizen to receive as an allotment lands lawfully in possession of another citizen, unless the selection be made by and with the consent of the party so in possession.

Another decision which it is believed will be of much benefit to the citizens of the Five Tribes, and especially to those who are not in possession of their proportionate shares of the lands of the tribe, is that rendered by the Department on January 17, 1901, in the case of Grissom v. Gibson, appealed from the commission, in which it was held that—

It is a familiar rule of interpretation that all parts of the statute must be considered and the true intent of the legislature must be gathered from the whole act.

Keeping this rule in mind, there can be little doubt that said Curtis Act was not intended to confirm illegal holdings of individual members of the tribes largely in excess of their pro rata shares, nor does it give such illegal holders any vested or other right to dispose of their illegal possessions to the exclusion of other members of the tribe who have entered upon and selected their pro rata shares prior to any attempted transfers by those whose possessions are in excess of their pro rata shares.

Another decision, which it is believed will be of much benefit to the class of citizens just mentioned, is that rendered by the Department on November 26, 1900, in the case of *Grissom v. Asbury*, appealed from the commission, in which it was held that—

It is admitted that Grissom was endeavoring, in 1898 and 1899, to procure the land for her child, 6 years of age. She and her husband have a home on land adjacent to this tract. It was not expected of them to build a house of any kind for the child, and had they placed logs on the land, as Asbury did subsequently, or had they broken some of the land, that would have been no better evidence of possession than the placing of posts for a fence. They did apparently what their means permitted and the circumstances warranted. The work done was the act of actual possession and warning to anyone of their claim.

The act of June 28, 1898, *supra*, does not require "lands in possession" for minor children to be even fenced. Any fair indication of possession is sufficient.

By the end of the present fiscal year it is believed that all allotment contests filed in the Creek Nation against selections made on or before August 23, 1901, will have been practically settled.

It is expected that but few contests will be instituted on selections made in the Creek Nation after August 23, 1901, by reason of section 5 of the Creek agreement approved March 1, 1901, and ratified by the Creek national council on May 25, 1901, which section reads in part as follows:

\* \* \* After the expiration of ninety days from the ratification of this agreement, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee, and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

So far as the commission is advised this is the first legislation passed by Congress relating to the Five Tribes Commission which authorized one citizen to select land containing improvements belonging to and in lawful possession of another citizen, and, as will be seen by the portion of section 5 of the Creek agreement just quoted, Congress has wisely provided a means by which the citizen failing to select his land before the expiration of ninety days from the ratification of said agreement shall have pay for his improvements if the land be selected by another citizen, or shall have the right to remove his improvements from the land so selected.

#### SEMINOLE NATION.

The Seminole allotment office was opened on June 1, 1901, and the present indications are that there will be but few allotment contests in the Seminole Nation, owing to the fact that nearly all of the lands within that nation have been subdivided into 40-acre tracts and the improvements thereon definitely located by the selection-survey parties under the direction of the commission. The citizens of the Five Tribes, and especially the full-blood Indians, know little or nothing about survey lines, and must therefore depend on other persons to give them the "numbers" or legal description of the lands which they desire to select as allotments. This practice has been the cause of many contests in the Creek Nation, but with the assistance of the plats prepared by the selection-survey parties the clerk in charge of the Seminole allotment office is enabled to ascertain whether or not a party making a selection is selecting his allotment so as to include his own improvements or the improvements belonging to another citizen, and thereby prevent the institution of many contests.

## CONCLUSION.

As the real proportions of the work which the Government has assumed in Indian Territory have become realized by the public the dissatisfaction which has found expression from time to time in many sources because of the slow progress made in the rehabilitation of the Indian Territory has abated. The ratification by Congress and the Creek tribe of Indians of the agreement made with the representatives of that nation on March 8, 1900, leaves now only one tribe of the five with which an agreement has not been negotiated by this commission and become effective. While supplementary agreements are believed to be necessary with the Choctaw, Chickasaw, and Creek tribes to make practicable the completion of the work enjoined upon the commission, it is thought that the sentiment in those tribes is now sufficiently in favor of a final settlement of the affairs to warrant the hope that the discrepancies, inaccuracies, and ambiguous features of the agreements heretofore made may be remedied and such other provisions embodied as shall make possible a full and final settlement of all matters.

Very commonly is the Indian Territory referred to as a reservation which should be allotted as rapidly as are the lands of smaller Western tribes. The commission has endeavored by this and its former reports to convey fully, not only for the information of the Department but for the general public, a knowledge of the conditions which exist here. It should be remembered that the work of the Government in this country to all intents and purposes is the division of an estate of nearly 20,000,000 acres of land among approximately 75,000 heirs. To determine who are the rightful persons to share in the distribution of the estate, the applications of double the number of bona fide claimants must be patiently heard, recorded, and passed upon. The laws in each of the Five Tribes under which citizenship is acquired are unlike; nor is there a common basis for the distribution of the property of each tribe, so that there may properly be said to be five estates instead of one to be administered. The land must be distributed according to value, making it necessary in its appraisalment to take into consideration those conditions which enhance values. Timber of commercial value must be estimated; the land must be classified to determine its relative value; mineral deposits must eventually be taken into consideration; towns must be segregated from the general domain, and complications too numerous to recite are to be found on every hand.

The commission has endeavored to press the work in all its branches as rapidly as could be done, giving due care to its thorough, careful, and complete execution. The climate during the summer is as a rule hot, and in many localities unhealthful, and the commission's forces are often depleted by illness resulting from malaria, bad water, and other causes. It is confidently believed that when the reconstruction of Indian Territory shall have reached a state of completion the groundwork will be found in the main well laid.

Respectfully submitted.

HENRY L. DAWES.  
TAMM BIXBY.  
T. B. NEEDLES.  
C. R. BRECKINRIDGE.

## EXHIBIT B.

## MEMORANDUM REGARDING GOVERNMENT OF NATIONAL FOREST RESERVES.

DEPARTMENT OF THE INTERIOR,  
*Washington, November 8, 1901.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: I inclose herewith a memorandum or outline of the principles and practice which I have concluded shall govern the administration of the National Forest

Reserves. Said memorandum is divided into points of policy and points of business, with a special paragraph on grazing.

You will note carefully the plan submitted and take such steps as may be necessary to carry the same into effect.

Very respectfully,

E. A. HITCHCOCK,  
*Secretary.*

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DEPARTMENT OF THE INTERIOR,  
*Washington.*

## MEMORANDUM OR OUTLINE OF THE PRINCIPLES AND PRACTICE TO GOVERN THE ADMINISTRATION OF NATIONAL FOREST RESERVES.

### GENERAL POLICY.

1. Additional forest reserves, with boundaries drawn to include the smallest possible area of land which has passed into private ownership, should be created during the present winter, before the disappearance of snow from the mountains permits the establishment of additional claims next spring. The wide extension of the forest-reserve area is, in my judgment, the most vital need of our Western forests and of the vast interests which depend upon them.

2. Every effort should be made to gain the good will of residents in and near the reserves, and especially to create public sentiment against forest fires and the willingness to assist in reducing them.

3. The use of real agricultural land within forest reserves for agricultural purposes should be promoted and encouraged, and every other resource of the reserves should be made available for the conservative use of the people.

4. Systematic investigation of the reserves should be undertaken, and every effort should be made to make them accessible and useful.

5. Each forest reserve and each part of a reserve should be dealt with on its own merits. The present system of uniform rules for diverse conditions is simply destructive. Similarly, the pay of forest officers should be varied from place to place in accordance with the expenses devolved upon them by the performance of their duties.

### ADMINISTRATIVE POLICY.

1. In accordance with your intention, the chief weight should hereafter be laid on field work, in contradistinction to the present plan, which administers the reserves purely on the basis of papers and reports from the office point of view, with little reference to actual work in the field.

2. Field and office work should be brought into close contact, and every unnecessary step should be removed. The office of superintendent is such a step.

3. As opportunity offers from time to time, the office of superintendent should gradually be dispensed with and the necessary supervision over supervisors and rangers should be reached through the medium of inspectors familiar with the woods.

4. The direction, control, and discipline of their subordinates in the field, and the responsibility for them and for their work, should be left as largely as possible with the higher resident forest officers. The interference of the office in these matters, beyond a certain point, damages the authority and destroys the responsibility of the superior officer.

5. Every effort should be made to create an esprit de corps among the forest officers. To this end good work should be recognized by promotion, and the distinction between field and office men should be obliterated as rapidly as possible. Especially should the field men be made to realize that the Department is behind them.



## GRAZING.

The central idea should be cooperation between the Government and the grazing interests in securing the best management and bringing about the best condition of the range.

1. The Government, through its forest officers, after consultation with the representatives of the various interests involved, should decide on the number of head to be grazed in each forest reserve or each subdivision of a reserve and should establish the boundaries between cattle range and sheep range.

2. The local associations should assign ranges to owners within the limits thus laid down, subject to official approval.

3. Both owners and local associations should be held responsible for the observance of the terms of permits and the prevention of fire and overgrazing.

4. Each sheep owner should have the exclusive right to his range, and the same should apply within reasonable limits to groups of cattle owners.

5. Permits should run for five years.

6. Residents should have precedence in all cases over tramp owners and owners from other States.

7. Local questions should be decided on local grounds and on their own merits in each separate case.

8. Since the forest reserves are usually summer ranges, provision should be made for necessary routes of transit.

9. The policy of the Government should be based on regulation rather than prohibition, except in special cases, it being understood that the avoidance of overgrazing is equally in the interest of all parties.

## BUSINESS PRACTICE.

1. Before the opening of the next field season the rules and regulations governing the forest reserves should be thoroughly revised, and enough copies should be printed to insure familiarity with their provisions on the part of all settlers located within them and of those who make use of their resources. At present unfortunate ignorance is the rule.

2. The sale of mature live timber whose removal will benefit the forest should be encouraged.

3. The relations between the Government and the purchaser should be made as direct, simple, and businesslike as possible.

4. Dead, down, and hopelessly injured timber should be disposed of in all cases as rapidly as possible. Its presence is always a threat to the forest, the forest soil, and the conservation of the water supply.

5. Timber ready for the ax should be advertised in advance of applications, and marked and measured in advance of sale whenever the condition of the forest, the probable market, and the force available will permit. Purchasers will thus know exactly what they are paying for and a principal cause of injustice and complaint will disappear. So far as the law will allow, and efficiency and safety will permit, the cost of advertising timber sales should be reduced. A register of timber ready for sale should be kept for public inspection in the office of every supervisor. Market prices should rule.

6. Applications for timber cutting should reach the General Land Office from the field accompanied by all papers necessary for a decision. The present practice of returning such applications to the field for report should be discontinued. Every effort should be made to act promptly on such applications. No other single feature of the present administration has led to so much criticism as the failure to take prompt action.

7. Authority to grant applications for small amounts of timber, within carefully

fixed limits, should be vested, so far as the law will permit, in the forest officers in the field.

8. A record of timber sold as well as of applications for sales should be maintained, such that a glance will show precisely what has been sold and what is proposed to be sold, in any reserve, together with the progress of each case.

9. The cutting of unmarked timber should be absolutely prohibited, and so far as possible all timber sold should be marked and measured in advance of sale. The present system of uniform marking hammers should be discarded and each ranger should be given a distinctive United States branding hatchet and made responsible for its safe-keeping. No hatchet lost should be replaced. Consequently its fraudulent use would immediately be detected.

10. The scale used in measuring logs, the equivalent of cords in board feet, the rules for disposing of brush and for the protection of the forest in logging, and other similar standard information, should be printed for the information and guidance of purchasers and forest officers.

11. Blank forms should be provided or revised for the making of applications for timber sales and grazing permits, and for reports by forest officers upon the same.

12. The present policy of appointing as forest officers men totally unacquainted with the conditions or requirements of their work should be discontinued.

13. Forest officers should be required to live in the reserve where they work. Exceptions should only be tolerated in the case of residents in the immediate vicinity under special circumstances.

14. Supervisors who have much work to do, as is notably the case in the Black Hills, are at present tied to the office by the amount of routine correspondence which claims their attention. Such officials should have a clerk or stenographer, and should be given the assistance in the field of rangers of a higher grade than those at present employed.

15. Proper provision should be made for expenses for travel and subsistence of forest officers moving about by common carriers in the performance of their duty.

The present prohibition of the use of the telegraph should be removed. Very serious delays may often be avoided by the expenditure of insignificant sums.

16. As occasion serves, head rangers, with pay of \$1,000 a year, should be given charge of a number of ordinary rangers, and should occupy to some degree the position of assistants to the supervisors. Two such men should be employed at once in the Black Hills.

17. Permanent rangers should receive not less than \$75 a month instead of the present rate of \$60, and should be required to keep as many horses as the efficient performance of their work may demand. This change should be made very gradually, no ranger being promoted to the higher pay until it has been positively ascertained that he is a fit man for permanent retention. Additional men, temporarily employed during the season of peculiar danger from fire, should be called forest guards, not rangers, and should be placed under the direct orders of the permanent rangers instead of being on the same footing, as at present.

18. A set form, to be filled in with data of training and experience, should accompany every application for a field position. The present form is inadequate and incomplete.

19. The first duty of forest officers is to protect the forest against fire. Rangers should be ordered, as they are now forbidden, to leave their own beats when necessary to assist in extinguishing fires on adjoining beats. The fires this season in Washington, Oregon, and other portions of the West have been more destructive than for several years. It should be made known in certain reserves, with unmistakable clearness, that all timber killed by fire after January 1, 1902, will be charged for at the same rate as green timber.

20. Prompt payment of temporary assistants engaged to fight fires should replace



By reason of the destruction of these forests this is no longer possible, and it has become necessary to supplement the original investments by the construction of reservoirs costing over \$2,000,000.

These reservoirs can not be effective unless their drainage area is protected from further destruction by sawmills and sheep grazing; otherwise they will soon fill up with the débris from the mountain sides. Not only is the value of these irrigation works absolutely dependent upon the protection of these forests, but also that of \$20,000,000 worth of other property in this valley, including over 2,000 homes.

The preliminary work for construction of a large reservoir dam has been completed, but it is impossible to proceed with the work until the aforesaid forest reserve is established. It has been our hope and expectation that the Federal Government would make a reservation that would be as effective as possible, but we have been waiting many months, and our representative, Mr. W. J. Murphy, has made many trips to Washington to secure action by the Department to this end, but so far without avail.

Meantime the destruction of our property continues and we are powerless to arrest the destruction.

We earnestly request that a proclamation be issued without further delay, solidifying said reserve, so that the parties interested may secure a release to the Government of as much of the land under private holdings as possible.

Very respectfully submitted.

THE ARIZONA WATER COMPANY,  
By A. B. LEACH, *President*,  
CHARLES S. FAIRCHILD,  
HIRAM R. STEELE,  
MORGAN G. BURNEY,

*Directors.*

HORNBLOWER, BYRNE, MILLER & POTTER,  
*Attorneys for The Arizona Water Company.*

JULY 2, 1901.

Mr. A. B. LEACH,

*President of the Arizona Water Company, New York City, N. Y.*

SIR: I am in receipt, by reference from the Executive Mansion, of a communication addressed, on the 21st ultimo, by you and the directors and attorney of the Arizona Water Company to the President, concerning the necessity for the consolidation of the San Francisco Mountains forest reserves.

In reply I beg to advise you that for the past two years I have been endeavoring to reach some arrangement with the owners of the odd-numbered sections adjoining the San Francisco Mountains forest reserves, in Arizona, that would enable me to recommend to the President such action as would effect the consolidation of said reserves.

Such proceedings were had in the matter that a proposition was finally submitted to this Department by the owners of the odd-numbered sections within the exterior limits of said reserves, which I approved and which it was believed would effect the consolidation desired.

Approximately said odd-numbered sections embrace an area of about 900,000 acres, in round numbers, all of which, I understood, was to be relinquished to the United States, and other lands in lieu thereof selected elsewhere.

When it came, however, to the carrying out of the proposition submitted, it was discovered that the owners of the odd-numbered sections had overlooked the fact that an estimated area of 150,000 acres and which were timbered lands could not be relinquished because they were either covered by contracts of sale or by contracts providing for the removal of the timber therefrom.

Other information received by the Department led me to believe that a large portion of the remaining 750,000 acres which it was proposed to relinquish was in no sense timbered lands, and that the actual acreage of timbered lands that would be acquired by the Government, if said 750,000 acres were relinquished to it, would not be great enough to warrant the Government in making the exchange of lands under the terms of the proposition nor great enough to aid materially in conserving the water supply.

I therefore declined to proceed further in the matter or to ask the President by proclamation to make such consolidation, and I so advised the parties in interest.

In this connection, referring to the stress placed by you upon the proposition that the water supply of the Salt and Verde rivers, upon which the irrigation of the Salt River Valley depends, and in which your company is largely interested, is almost wholly dependent upon the consolidation of this reserve for the purpose of preserving the timber and conserving the water supply, I desire to call your attention to a phase of this matter which appears to have heretofore been overlooked by you in the consideration of this question.

You are of course aware that when it was learned that this consolidation was contemplated the supervisors of Coconino County, in Arizona, protested against the contemplated action, alleging that the political existence of the county was threatened and would be destroyed if the proposed consolidation was effected.

In order that the interests of all parties might be presented, a hearing was given and had before me, at which the representatives of both Coconino and Maricopa counties appeared.

At that hearing it was alleged by the representatives of Coconino County, and admitted by those of Maricopa, that fully three-fourths of the surface of the San Francisco Mountains forest reserves slopes to the north, that the run-off is in that direction, and empties into the Little Colorado, and thence by means of the Great Colorado into the Gulf of California.

It was, however, contended by the representative of Maricopa County that, notwithstanding the slope of the greater portion of the area of said reserve toward the north, the bed rock sloped toward the south; that the water percolating through the soil flowed along this bed rock and came out in springs toward the south, which fed the Salt and Verde rivers.

In reply to this, however, it was alleged by the representatives of Coconino County, and not denied by Maricopa, that investigation at the Geological Survey and the Department of Agriculture disclosed the fact that there was no absolute evidence in their possession showing in which direction the bed rock did incline, but that such evidence as they did have indicated that it sloped to the north.

If it be true that the major portion of the surface of said reservation slopes to the north, and that the bed rock also slopes in that direction, it would seem that the anxiety of the people of the Salt River Valley and their ideas in regard to the source of their water supply are not well founded.

It was further disclosed at that hearing that the Salt and Verde rivers had decreased in their flow during the last three or four years, but that there had existed all over that country for that period a condition of unusual drought, and that springs on the top of the mountains, inaccessible to sheep grazing or any of the agencies that it is alleged affect the water flow, had lost 75 per cent of their capacity in that time.

A remarkable fact, however, in connection with that hearing, or rather a remarkable allegation made by the representative of Coconino County, and not denied by those of Maricopa, was that the only stream that originates and receives its water supply in the San Francisco Mountains Forest Reserves and which receives the rainfall and run-off from the only portion of the reserves that slopes in a southerly direction, is a stream by the name of Oak Creek; that Oak Creek is a tributary of the Verde River, and that along the head waters of Oak Creek timber has been cut, sheep

have grazed, and all the agencies that are presumed to affect adversely the water supply have operated there, yet, notwithstanding these facts, the flow of water in that stream has not diminished to any perceptible extent, but has practically maintained itself at flood tide.

I have expressed myself herein at some length, for the purpose of showing you, first, that this Department put forth every honorable effort that it could to bring about the consolidation of these reserves, under the impression that it was necessary to protect the timber and conserve the water supply and to protect the irrigating interests of the Salt River Valley; second, that when it came to the point of perfecting said consolidation it was discovered that the ability of the owners of the odd-numbered sections to transfer their lands was so hampered and hedged about that the acquisition by the Government of the lands which they could convey would not effect the purpose intended, and that the Government would simply be exchanging valuable lands for those that are practically of no value; and, third, that an investigation of all the interests involved or supposed to be involved in the proposed consolidation of these reserves makes it perhaps an open question as to whether there exists a necessity for such consolidation.

In any event, this Department has at all times been impelled by a desire to do whatever it could, and all that it could, consistent with the interests of the Government, to promote the welfare of the communities affected by said reserves, and whenever it is clearly shown that the paramount interests of those communities demand the consolidation of these reserves with the odd-numbered sections adjoining them, and the owners of said sections will get together and submit a proposition to the Department that it can entertain, it stands ready to use its best efforts to effect that consolidation.

All this I have repeatedly indicated to your representative, Mr. Murphy.

I have the honor to be, very respectfully, yours.

E. A. HITCHCOCK, *Secretary*.

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### EXHIBIT D.

#### OPENING OF KIOWA, COMANCHE, APACHE, AND WICHITA INDIAN LANDS IN THE TERRITORY OF OKLAHOMA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas, by an agreement between the Wichita and affiliated bands of Indians on the one part and certain commissioners of the United States on the other part, ratified by act of Congress approved March 2, 1895 (28 Stat., 876, 894), the said Indians ceded, conveyed, transferred, and relinquished, forever and absolutely, without any reservation whatever, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same; thence up the middle of the main channel of said river to the line of 98° 40' west longitude; thence on said line of 98° 40' due north to the middle of the channel of the main Canadian River; thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land in severalty have been regularly made to each and every member of said Wichita and affiliated bands of Indians, native and adopted, and the lands occu-

piel by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively;

And whereas, by an agreement between the Comanche, Kiowa, and Apache tribes of Indians on the one part and certain commissioners of the United States on the other part, amended and ratified by act of Congress approved June 6, 1900 (31 Stat., 672, 676), the said Indian tribes, subject to certain conditions which have been duly performed, ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying the agreement last named, allotments of land in severalty have been regularly made to each member of the said Comanche, Kiowa, and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively; and the Secretary of the Interior, out of the lands ceded by the agreement last named, has regularly selected and set aside, for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, four hundred and eighty thousand acres of grazing lands;

And whereas, in the act of Congress ratifying the said Wichita agreement, it is provided:

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entrymen: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

\* \* \* \* \*

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

And whereas in the act of Congress ratifying the said Comanche, Kiowa, and Apache agreement it is provided—

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the

United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any person who having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

\* \* \* \* \*

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

And whereas, by the act of Congress approved January 4, 1901 (31 Stat., 727), the Secretary of the Interior was authorized to extend, for a period not exceeding eight months from December 6, 1900, the time for making allotments to the Comanche, Kiowa, and Apache Indians, and opening to settlement the lands so ceded by them;

And whereas, in pursuance of the act of Congress approved March 3, 1901 (31 Stat., 1093), the Secretary of the Interior has regularly subdivided the lands so as aforesaid respectively ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians into counties, attaching portions thereof to adjoining counties in the Territory of Oklahoma, has regularly designated the place for the county seat of each new county, has regularly set aside and reserved at such county seat land for a town site to be disposed of in the manner provided by the act of Congress last named, and has regularly caused to be surveyed, subdivided, and platted the lands so set aside and reserved for disposition as such town sites;

And whereas, by the act of Congress last named, it is provided—

The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

And whereas by the act of Congress last named the President was authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, to include the land so ceded as aforesaid, which land districts and land offices have been established by an order of even date herewith;

And whereas all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

Now, therefore, I, William McKinley, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known



## CONCLUSION.

As the real proportions of the work which the Government has assumed in Indian Territory have become realized by the public the dissatisfaction which has found expression from time to time in many sources because of the slow progress made in the rehabilitation of the Indian Territory has abated. The ratification by Congress and the Creek tribe of Indians of the agreement made with the representatives of that nation on March 8, 1900, leaves now only one tribe of the five with which an agreement has not been negotiated by this commission and become effective. While supplementary agreements are believed to be necessary with the Choctaw, Chickasaw, and Creek tribes to make practicable the completion of the work enjoined upon the commission, it is thought that the sentiment in those tribes is now sufficiently in favor of a final settlement of the affairs to warrant the hope that the discrepancies, inaccuracies, and ambiguous features of the agreements heretofore made may be remedied and such other provisions embodied as shall make possible a full and final settlement of all matters.

Very commonly is the Indian Territory referred to as a reservation which should be allotted as rapidly as are the lands of smaller Western tribes. The commission has endeavored by this and its former reports to convey fully, not only for the information of the Department but for the general public, a knowledge of the conditions which exist here. It should be remembered that the work of the Government in this country to all intents and purposes is the division of an estate of nearly 20,000,000 acres of land among approximately 75,000 heirs. To determine who are the rightful persons to share in the distribution of the estate, the applications of double the number of bona fide claimants must be patiently heard, recorded, and passed upon. The laws in each of the Five Tribes under which citizenship is acquired are unlike; nor is there a common basis for the distribution of the property of each tribe, so that there may properly be said to be five estates instead of one to be administered. The land must be distributed according to value, making it necessary in its appraisement to take into consideration those conditions which enhance values. Timber of commercial value must be estimated; the land must be classified to determine its relative value; mineral deposits must eventually be taken into consideration; towns must be segregated from the general domain, and complications too numerous to recite are to be found on every hand.

The commission has endeavored to press the work in all its branches as rapidly as could be done, giving due care to its thorough, careful, and complete execution. The climate during the summer is as a rule hot, and in many localities unhealthful, and the commission's forces are often depleted by illness resulting from malaria, bad water, and other causes. It is confidently believed that when the reconstruction of Indian Territory shall have reached a state of completion the groundwork will be found in the main well laid.

Respectfully submitted.

HENRY L. DAWES.  
TAMS BIXBY.  
T. B. NEEDLES.  
C. R. BRECKINRIDGE.

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EXHIBIT B.

## MEMORANDUM REGARDING GOVERNMENT OF NATIONAL FOREST RESERVES.

DEPARTMENT OF THE INTERIOR,

*Washington, November 8, 1901.*

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: I inclose herewith a memorandum or outline of the principles and practice which I have concluded shall govern the administration of the National Forest

Reserves. Said memorandum is divided into points of policy and points of business, with a special paragraph on grazing.

You will note carefully the plan submitted and take such steps as may be necessary to carry the same into effect.

Very respectfully,

E. A. HITCHCOCK,  
*Secretary.*

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DEPARTMENT OF THE INTERIOR,  
*Washington.*

## MEMORANDUM OR OUTLINE OF THE PRINCIPLES AND PRACTICE TO GOVERN THE ADMINISTRATION OF NATIONAL FOREST RESERVES.

### GENERAL POLICY.

1. Additional forest reserves, with boundaries drawn to include the smallest possible area of land which has passed into private ownership, should be created during the present winter, before the disappearance of snow from the mountains permits the establishment of additional claims next spring. The wide extension of the forest-reserve area is, in my judgment, the most vital need of our Western forests and of the vast interests which depend upon them.

2. Every effort should be made to gain the good will of residents in and near the reserves, and especially to create public sentiment against forest fires and the willingness to assist in reducing them.

3. The use of real agricultural land within forest reserves for agricultural purposes should be promoted and encouraged, and every other resource of the reserves should be made available for the conservative use of the people.

4. Systematic investigation of the reserves should be undertaken, and every effort should be made to make them accessible and useful.

5. Each forest reserve and each part of a reserve should be dealt with on its own merits. The present system of uniform rules for diverse conditions is simply destructive. Similarly, the pay of forest officers should be varied from place to place in accordance with the expenses devolved upon them by the performance of their duties.

### ADMINISTRATIVE POLICY.

1. In accordance with your intention, the chief weight should hereafter be laid on field work, in contradistinction to the present plan, which administers the reserves purely on the basis of papers and reports from the office point of view, with little reference to actual work in the field.

2. Field and office work should be brought into close contact, and every unnecessary step should be removed. The office of superintendent is such a step.

3. As opportunity offers from time to time, the office of superintendent should gradually be dispensed with and the necessary supervision over supervisors and rangers should be reached through the medium of inspectors familiar with the woods.

4. The direction, control, and discipline of their subordinates in the field, and the responsibility for them and for their work, should be left as largely as possible with the higher resident forest officers. The interference of the office in these matters, beyond a certain point, damages the authority and destroys the responsibility of the superior officer.

5. Every effort should be made to create an esprit de corps among the forest officers. To this end good work should be recognized by promotion, and the distinction between field and office men should be obliterated as rapidly as possible. Especially should the field men be made to realize that the Department is behind them.

## GRAZING.

The central idea should be cooperation between the Government and the grazing interests in securing the best management and bringing about the best condition of the range.

1. The Government, through its forest officers, after consultation with the representatives of the various interests involved, should decide on the number of head to be grazed in each forest reserve or each subdivision of a reserve and should establish the boundaries between cattle range and sheep range.

2. The local associations should assign ranges to owners within the limits thus laid down, subject to official approval.

3. Both owners and local associations should be held responsible for the observance of the terms of permits and the prevention of fire and overgrazing.

4. Each sheep owner should have the exclusive right to his range, and the same should apply within reasonable limits to groups of cattle owners.

5. Permits should run for five years.

6. Residents should have precedence in all cases over tramp owners and owners from other States.

7. Local questions should be decided on local grounds and on their own merits in each separate case.

8. Since the forest reserves are usually summer ranges, provision should be made for necessary routes of transit.

9. The policy of the Government should be based on regulation rather than prohibition, except in special cases, it being understood that the avoidance of overgrazing is equally in the interest of all parties.

## BUSINESS PRACTICE.

1. Before the opening of the next field season the rules and regulations governing the forest reserves should be thoroughly revised, and enough copies should be printed to insure familiarity with their provisions on the part of all settlers located within them and of those who make use of their resources. At present unfortunate ignorance is the rule.

2. The sale of mature live timber whose removal will benefit the forest should be encouraged.

3. The relations between the Government and the purchaser should be made as direct, simple, and businesslike as possible.

4. Dead, down, and hopelessly injured timber should be disposed of in all cases as rapidly as possible. Its presence is always a threat to the forest, the forest soil, and the conservation of the water supply.

5. Timber ready for the ax should be advertised in advance of applications, and marked and measured in advance of sale whenever the condition of the forest, the probable market, and the force available will permit. Purchasers will thus know exactly what they are paying for and a principal cause of injustice and complaint will disappear. So far as the law will allow, and efficiency and safety will permit, the cost of advertising timber sales should be reduced. A register of timber ready for sale should be kept for public inspection in the office of every supervisor. Market prices should rule.

6. Applications for timber cutting should reach the General Land Office from the field accompanied by all papers necessary for a decision. The present practice of returning such applications to the field for report should be discontinued. Every effort should be made to act promptly on such applications. No other single feature of the present administration has led to so much criticism as the failure to take prompt action.

7. Authority to grant applications for small amounts of timber, within carefully

fixed limits, should be vested, so far as the law will permit, in the forest officers in the field.

8. A record of timber sold as well as of applications for sales should be maintained, such that a glance will show precisely what has been sold and what is proposed to be sold, in any reserve, together with the progress of each case.

9. The cutting of unmarked timber should be absolutely prohibited, and so far as possible all timber sold should be marked and measured in advance of sale. The present system of uniform marking hammers should be discarded and each ranger should be given a distinctive United States branding hatchet and made responsible for its safe-keeping. No hatchet lost should be replaced. Consequently its fraudulent use would immediately be detected.

10. The scale used in measuring logs, the equivalent of cords in board feet, the rules for disposing of brush and for the protection of the forest in logging, and other similar standard information, should be printed for the information and guidance of purchasers and forest officers.

11. Blank forms should be provided or revised for the making of applications for timber sales and grazing permits, and for reports by forest officers upon the same.

12. The present policy of appointing as forest officers men totally unacquainted with the conditions or requirements of their work should be discontinued.

13. Forest officers should be required to live in the reserve where they work. Exceptions should only be tolerated in the case of residents in the immediate vicinity under special circumstances.

14. Supervisors who have much work to do, as is notably the case in the Black Hills, are at present tied to the office by the amount of routine correspondence which claims their attention. Such officials should have a clerk or stenographer, and should be given the assistance in the field of rangers of a higher grade than those at present employed.

15. Proper provision should be made for expenses for travel and subsistence of forest officers moving about by common carriers in the performance of their duty.

The present prohibition of the use of the telegraph should be removed. Very serious delays may often be avoided by the expenditure of insignificant sums.

16. As occasion serves, head rangers, with pay of \$1,000 a year, should be given charge of a number of ordinary rangers, and should occupy to some degree the position of assistants to the supervisors. Two such men should be employed at once in the Black Hills.

17. Permanent rangers should receive not less than \$75 a month instead of the present rate of \$60, and should be required to keep as many horses as the efficient performance of their work may demand. This change should be made very gradually, no ranger being promoted to the higher pay until it has been positively ascertained that he is a fit man for permanent retention. Additional men, temporarily employed during the season of peculiar danger from fire, should be called forest guards, not rangers, and should be placed under the direct orders of the permanent rangers instead of being on the same footing, as at present.

18. A set form, to be filled in with data of training and experience, should accompany every application for a field position. The present form is inadequate and incomplete.

19. The first duty of forest officers is to protect the forest against fire. Rangers should be ordered, as they are now forbidden, to leave their own beats when necessary to assist in extinguishing fires on adjoining beats. The fires this season in Washington, Oregon, and other portions of the West have been more destructive than for several years. It should be made known in certain reserves, with unmistakable clearness, that all timber killed by fire after January 1, 1902, will be charged for at the same rate as green timber.

20. Prompt payment of temporary assistants engaged to fight fires should replace

the present dilatory practice, which has seriously interfered with fire protection by discouraging the settlers.

21. The system of daily reports by forest rangers should be abolished at once. It serves no useful purpose whatever and fails wholly to secure faithful work. On the contrary, it is a constant provocation to falsehood and encourages a feeling that the report, and not the work, is the matter of first importance. A regular monthly report, with additional reports when necessary, should take its place and should bear rather on the condition of the beat and the progress of the work than on the occupations of the ranger.

22. The construction of trails should be pushed throughout the reserves, and the blazing of boundary lines, the collection of information regarding advisable increases or retrenchments of the reserved area, the mapping of the timber, and similar work should proceed steadily throughout the year whenever the forest officers can be spared from other field duties.

23. Every forest officer in charge of a reserve should be required at once to ascertain, map, and report the patented occupied lands within such reserve, the character of such patent, and the names and occupations of the owners. Officers of local land offices should be instructed to furnish promptly any necessary information.

It should be the duty of every forest officer to report at once any fraudulent entries or claims within his charge.

24. Lists of ownership of all lands within the forest reserves should be prepared at once by the General Land Office and placed in the hands of the field men.

25. Fraudulent mining claims in considerable numbers have been located, notably in the Black Hills Forest Reserve, in order to secure possession of timber. If the law permits, it would be extremely desirable to require the assent of the local forest officers before mineral claims in forest reserves were accepted as valid.

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## EXHIBIT C.

### SAN FRANCISCO MOUNTAINS FOREST RESERVES.

NEW YORK, June 21, 1901.

HON. WILLIAM MCKINLEY, *President,*  
*Washington, D. C.*

SIR: With your permission, we beg leave to submit for your consideration the great necessity for the solidification of the San Francisco Mountain Forest Reserve, in Arizona.

The Arizona Water Company owns the canal system on the north side of the Salt River, supplying the city of Phoenix and the farming community on that side of the river. Our canal system represents an investment of \$2,500,000, and the water is taken from the Salt and Verde rivers.

The supply of these streams is dependent upon the forests at their sources, and lands lying within the proposed reservation are the most important and essential to the preservation of this water supply.

A very considerable destruction of these forests has already taken place through the operations of sawmills and sheep grazing. Our latest reports from Arizona are that these operations have already caused a decrease in the water supply of not less than 20 per cent from what has been considered a normal flow in the river.

The direct result of the forest changes has been a quick "run-off" during flood periods and an almost entire stoppage of the flow during the dry seasons, when water is most needed.

We call particular attention to the fact that before these streams were thus affected their normal flow was sufficient, without storage, to irrigate successfully the 250,000 acres covered by existing canals.

By reason of the destruction of these forests this is no longer possible, and it has become necessary to supplement the original investments by the construction of reservoirs costing over \$2,000,000.

These reservoirs can not be effective unless their drainage area is protected from further destruction by sawmills and sheep grazing; otherwise they will soon fill up with the debris from the mountain sides. Not only is the value of these irrigation works absolutely dependent upon the protection of these forests, but also that of \$20,000,000 worth of other property in this valley, including over 2,000 homes.

The preliminary work for construction of a large reservoir dam has been completed, but it is impossible to proceed with the work until the aforesaid forest reserve is established. It has been our hope and expectation that the Federal Government would make a reservation that would be as effective as possible, but we have been waiting many months, and our representative, Mr. W. J. Murphy, has made many trips to Washington to secure action by the Department to this end, but so far without avail.

Meantime the destruction of our property continues and we are powerless to arrest the destruction.

We earnestly request that a proclamation be issued without further delay, solidifying said reserve, so that the parties interested may secure a release to the Government of as much of the land under private holdings as possible.

Very respectfully submitted.

THE ARIZONA WATER COMPANY,  
By A. B. LEACH, *President*.

CHARLES S. FAIRCHILD,  
HIRAM R. STEELE,  
MORGAN G. BURNDEY,

*Directors.*

HORNBLOWER, BYRNE, MILLER & POTTER,  
*Attorneys for The Arizona Water Company.*

JULY 2, 1901.

Mr. A. B. LEACH,

*President of the Arizona Water Company, New York City, N. Y.*

SIR: I am in receipt, by reference from the Executive Mansion, of a communication addressed, on the 21st ultimo, by you and the directors and attorney of the Arizona Water Company to the President, concerning the necessity for the consolidation of the San Francisco Mountains forest reserves.

In reply I beg to advise you that for the past two years I have been endeavoring to reach some arrangement with the owners of the odd-numbered sections adjoining the San Francisco Mountains forest reserves, in Arizona, that would enable me to recommend to the President such action as would effect the consolidation of said reserves.

Such proceedings were had in the matter that a proposition was finally submitted to this Department by the owners of the odd-numbered sections within the exterior limits of said reserves, which I approved and which it was believed would effect the consolidation desired.

Approximately said odd-numbered sections embrace an area of about 900,000 acres, in round numbers, all of which, I understood, was to be relinquished to the United States, and other lands in lieu thereof selected elsewhere.

When it came, however, to the carrying out of the proposition submitted, it was discovered that the owners of the odd-numbered sections had overlooked the fact that an estimated area of 150,000 acres and which were timbered lands could not be relinquished because they were either covered by contracts of sale or by contracts providing for the removal of the timber therefrom.

Other information received by the Department led me to believe that a large portion of the remaining 750,000 acres which it was proposed to relinquish was in no sense timbered lands, and that the actual acreage of timbered lands that would be acquired by the Government, if said 750,000 acres were relinquished to it, would not be great enough to warrant the Government in making the exchange of lands under the terms of the proposition nor great enough to aid materially in conserving the water supply.

I therefore declined to proceed further in the matter or to ask the President by proclamation to make such consolidation, and I so advised the parties in interest.

In this connection, referring to the stress placed by you upon the proposition that the water supply of the Salt and Verde rivers, upon which the irrigation of the Salt River Valley depends, and in which your company is largely interested, is almost wholly dependent upon the consolidation of this reserve for the purpose of preserving the timber and conserving the water supply, I desire to call your attention to a phase of this matter which appears to have heretofore been overlooked by you in the consideration of this question.

You are of course aware that when it was learned that this consolidation was contemplated the supervisors of Coconino County, in Arizona, protested against the contemplated action, alleging that the political existence of the county was threatened and would be destroyed if the proposed consolidation was effected.

In order that the interests of all parties might be presented, a hearing was given and had before me, at which the representatives of both Coconino and Maricopa counties appeared.

At that hearing it was alleged by the representatives of Coconino County, and admitted by those of Maricopa, that fully three-fourths of the surface of the San Francisco Mountains forest reserves slopes to the north, that the run-off is in that direction, and empties into the Little Colorado, and thence by means of the Great Colorado into the Gulf of California.

It was, however, contended by the representative of Maricopa County that, notwithstanding the slope of the greater portion of the area of said reserve toward the north, the bed rock sloped toward the south; that the water percolating through the soil flowed along this bed rock and came out in springs toward the south, which fed the Salt and Verde rivers.

In reply to this, however, it was alleged by the representatives of Coconino County, and not denied by Maricopa, that investigation at the Geological Survey and the Department of Agriculture disclosed the fact that there was no absolute evidence in their possession showing in which direction the bed rock did incline, but that such evidence as they did have indicated that it sloped to the north.

If it be true that the major portion of the surface of said reservation slopes to the north, and that the bed rock also slopes in that direction, it would seem that the anxiety of the people of the Salt River Valley and their ideas in regard to the source of their water supply are not well founded.

It was further disclosed at that hearing that the Salt and Verde rivers had decreased in their flow during the last three or four years, but that there had existed all over that country for that period a condition of unusual drought, and that springs on the top of the mountains, inaccessible to sheep grazing or any of the agencies that it is alleged affect the water flow, had lost 75 per cent of their capacity in that time.

A remarkable fact, however, in connection with that hearing, or rather a remarkable allegation made by the representative of Coconino County, and not denied by those of Maricopa, was that the only stream that originates and receives its water supply in the San Francisco Mountains Forest Reserves and which receives the rainfall and run-off from the only portion of the reserves that slopes in a southerly direction, is a stream by the name of Oak Creek; that Oak Creek is a tributary of the Verde River, and that along the head waters of Oak Creek timber has been cut, sheep

have grazed, and all the agencies that are presumed to affect adversely the water supply have operated there, yet, notwithstanding these facts, the flow of water in that stream has not diminished to any perceptible extent, but has practically maintained itself at flood tide.

I have expressed myself herein at some length, for the purpose of showing you, first, that this Department put forth every honorable effort that it could to bring about the consolidation of these reserves, under the impression that it was necessary to protect the timber and conserve the water supply and to protect the irrigating interests of the Salt River Valley; second, that when it came to the point of perfecting said consolidation it was discovered that the ability of the owners of the odd-numbered sections to transfer their lands was so hampered and hedged about that the acquisition by the Government of the lands which they could convey would not effect the purpose intended, and that the Government would simply be exchanging valuable lands for those that are practically of no value; and, third, that an investigation of all the interests involved or supposed to be involved in the proposed consolidation of these reserves makes it perhaps an open question as to whether there exists a necessity for such consolidation.

In any event, this Department has at all times been impelled by a desire to do whatever it could, and all that it could, consistent with the interests of the Government, to promote the welfare of the communities affected by said reserves, and whenever it is clearly shown that the paramount interests of those communities demand the consolidation of these reserves with the odd-numbered sections adjoining them, and the owners of said sections will get together and submit a proposition to the Department that it can entertain, it stands ready to use its best efforts to effect that consolidation.

All this I have repeatedly indicated to your representative, Mr. Murphy.

I have the honor to be, very respectfully, yours.

E. A. HITCHCOCK, *Secretary*.

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#### EXHIBIT D.

#### OPENING OF KIOWA, COMANCHE, APACHE, AND WICHITA INDIAN LANDS IN THE TERRITORY OF OKLAHOMA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas, by an agreement between the Wichita and affiliated bands of Indians on the one part and certain commissioners of the United States on the other part, ratified by act of Congress approved March 2, 1895 (28 Stat., 876, 894), the said Indians ceded, conveyed, transferred, and relinquished forever and absolutely, without any reservation whatever, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same; thence up the middle of the main channel of said river to the line of  $98^{\circ} 40'$  west longitude; thence on said line of  $98^{\circ} 40'$  due north to the middle of the channel of the main Canadian River; thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land in severalty have been regularly made to each and every member of said Wichita and affiliated bands of Indians, native and adopted, and the lands occu-



pied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively;

And whereas, by an agreement between the Comanche, Kiowa, and Apache tribes of Indians on the one part and certain commissioners of the United States on the other part, amended and ratified by act of Congress approved June 6. 1900 (31 Stat., 672, 676), the said Indian tribes, subject to certain conditions which have been duly performed, ceded, conveyed, transferred, relinquished, and surrendered, forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country now in the Territory of Oklahoma, to wit:

Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying the agreement last named, allotments of land in severalty have been regularly made to each member of the said Comanche, Kiowa, and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively; and the Secretary of the Interior, out of the lands ceded by the agreement last named, has regularly selected and set aside, for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, four hundred and eighty thousand acres of grazing lands;

And whereas, in the act of Congress ratifying the said Wichita agreement, it is provided:

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entrymen: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

\* \* \* \* \*

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

And whereas in the act of Congress ratifying the said Comanche, Kiowa, and Apache agreement it is provided—

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the

United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-five hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any person who having attempted to secure for any cause failed to secure a title in fee to a homestead under existing laws, who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands hereinbefore ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

\* \* \* \* \*

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

And whereas, by the act of Congress approved January 4, 1901 (31 Stat., 727), the Secretary of the Interior was authorized to extend, for a period not exceeding eight months from December 6, 1900, the time for making allotments to the Comanche, Kiowa, and Apache Indians, and opening to settlement the lands so ceded by them;

And whereas, in pursuance of the act of Congress approved March 3, 1901 (31 Stat., 1093), the Secretary of the Interior has regularly subdivided the lands so as aforesaid respectively ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians into counties, attaching portions thereof to adjoining counties in the Territory of Oklahoma, has regularly designated the place for the county seat of each new county, has regularly set aside and reserved at such county seat land for a town site to be disposed of in the manner provided by the act of Congress last named, and has regularly caused to be surveyed, subdivided, and platted the lands so set aside and reserved for disposition as such town sites;

And whereas, by the act of Congress last named, it is provided—

The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

And whereas by the act of Congress last named the President was authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, to include the land so ceded as aforesaid, which land districts and land offices have been established by an order of even date herewith;

And whereas all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

Now, therefore, I, William McKinley, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known

that all the lands so as aforesaid ceded by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, respectively, saving and excepting sections sixteen, thirty-six, thirteen, and thirty-three in each township, and all lands located or selected by the Territory of Oklahoma as indemnity school or educational lands, and saving and excepting all lands allotted in severalty to individual Indians, and saving and excepting all lands allotted and confirmed to religious societies and other organizations, and saving and excepting the lands selected and set aside as grazing lands for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, and saving and excepting the lands set aside and reserved at each of said county seats for disposition as town sites, and saving and excepting the lands now used, occupied, or set apart for military, agency, school, school farm, religious, Indian cemetery, wood reserve, forest reserve, or other public uses, will, on the 6th day of August, 1901, at 9 o'clock a. m., in the manner herein prescribed and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and town-site laws of the United States.

Commencing at 9 o'clock a. m., Wednesday, July 10, 1901, and ending at 6 o'clock p. m., Friday, July 26, 1901, a registration will be had at the United States land offices at El Reno and Lawton, in the Territory of Oklahoma (the office at Lawton to occupy provisional quarters in the immediate vicinity of Fort Sill, Oklahoma Territory, until suitable quarters can be provided at Lawton), for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law, and of ascertaining their qualifications so to do. The registration at each office will be for both land districts, but at the time of registration each applicant will be required to elect and state in which district he desires to make entry. To obtain registration each applicant will be required to show himself duly qualified to make homestead entry of these lands under existing laws and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the Government against any attempted impersonation. Registration can not be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901 (31 Stat., 847), may present their applications for registration and due proof of their qualifications through an agent of their own selection, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name. Each applicant who shows himself duly qualified will be registered and given a nontransferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder in the land district in which he elects to make his entry; but the only purpose for which he may go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers or of a soldier's declaratory statement duly accepted by such officers.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by drawings for both the El Reno and Lawton districts publicly held at the United States land office at El Reno, Oklahoma, commencing at 9 o'clock a. m., Monday, July 29, 1901, and continuing for such period as may be necessary to complete the same. The drawings will be had under the supervision and immediate observance of a committee of three persons whose integrity is such as to make their

control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to these drawings the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, stating the land district in which he desires to make homestead entry, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be at once sealed in a separate envelope, which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing for the land district in which the applicant desires to make entry. These envelopes will be separated according to land districts and will be carefully preserved and remain sealed until opened in the course of the drawing as herein provided.

When the registration is completed all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each enclosed card a number in the order in which the envelopes containing the same is drawn. While the drawings for the two districts will be separately conducted, they will occur as nearly at the same time as is practicable. The result of the drawing for each district will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of the drawings, stating the name of each applicant and number assigned to him by the drawing, will be posted each day at the place of drawing, and each applicant will be notified of his number by a postal card mailed to him at the address, if any, given by him at the time of registration. Each applicant should, however, in his own behalf, employ such measures as will insure his obtaining prompt and accurate information of the order in which his application for homestead entry can be presented as fixed by the drawing. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. At each land office, commencing Tuesday, August 6, 1901, at 9 o'clock a. m., the applications of those drawing numbers 1 to 125, inclusive, for that district must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 125 to 250, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing. To obtain the allowance of a homestead entry each applicant must personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, and with the regular land-office fees, but an honorably discharged soldier or sailor may file his declaratory statement through the agent representing him at the registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of loss or destruction. If at the time of considering his regular application for entry it appear that any applicant is disqualified from making homestead entry of these lands his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his resignation certificate, he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from

entering or settling upon any of said lands during the first sixty days following said opening.

Because of the provision in the said act of Congress approved June 6, 1900, "that the settlers who located on that part of said lands called and known as the 'neutral strip' shall have preference right for thirty days on the lands upon which they have located and improved," the said lands in the "neutral strip" shall for the period of thirty days after said opening be subject to homestead entry and town-site entry only by those who have heretofore located upon and improved the same, and who are accorded a preference right of entry for thirty days as aforesaid. Persons entitled to make entry under this preference right will be permitted to do so at any time during said period of thirty days following the opening without previous registration and without regard to the drawing herein provided for, and at the expiration of that period the lands in said "neutral strip" for which no entry shall have been made will come under the general provisions of this proclamation.

The intended beneficiaries of the provision in the said acts of Congress, approved, respectively, March 2, 1895, and June 6, 1900, which authorizes a qualified entryman having lands adjoining the ceded lands, whose original entry embraced less than 160 acres, to enter so much of the ceded lands as will make his homestead entry contain in the aggregate not exceeding 160 acres, may obtain such an extension of his existing entry, without previous registration and without regard to the drawing herein provided for, only by making appropriate application, accompanied by the necessary proofs, at the proper new land office at some time prior to the opening herein provided for.

Any person or persons desiring to found, or to suggest establishing, a town site upon any of said ceded lands at any point not in the near vicinity of either of the county seats therein heretofore selected and designated as aforesaid, may, at any time before the opening herein provided for, file in the proper local land office a written application to that effect, describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for town-site settlement, entry, and disposition only. In such event the lands so withheld from homestead entry and settlement will, at the time of said opening and not before, become subject to settlement, entry, and disposition under the general town-site laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general town-site laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

Attention is hereby especially called to the fact that under the special provisions of the said act of Congress approved March 3, 1901, the town sites selected and designated at the county seats of the new counties into which said lands have been formed can not be disposed of under the general town-site laws of the United States, and can only be disposed of in the special manner provided in said act of Congress, which declares:

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto.

All persons are especially admonished that under the said act of Congress approved March 3, 1901, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation

until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, any of said lands remaining undisposed of may be settled upon, occupied, and entered under the general provisions of the homestead and town-site laws of the United States in like manner as if the manner of effecting such settlement, occupancy, and entry had not been prescribed herein in obedience to law.

It appearing that there are fences around the pastures into which, for convenience, portions of the ceded lands have heretofore been divided, and that these fences are of considerable value and are still the property of the Indian tribes ceding said lands to the United States, all persons going upon, examining, entering, or settling upon any of said lands are cautioned to respect such fences as the property of the Indians, and not to destroy, appropriate, or carry away the same, but to leave them undisturbed, so that they may be seasonably removed and preserved for the benefit of the Indians.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and one, and of the independence of the United States the one hundred and twenty-sixth.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

DAVID J. HILL,

*Acting Secretary of State.*

NOTICE OF THE ESTABLISHMENT OF TWO ADDITIONAL LAND DISTRICTS AND CHANGE OF BOUNDARIES OF THE OKLAHOMA AND KINGFISHER LAND DISTRICTS, IN THE TERRITORY OF OKLAHOMA.

Notice is hereby given that pursuant to the terms of section 3 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of land, and so forth," the President of the United States has directed the establishment of the following-named land districts and the location of the offices of said districts at the points named:

*First.—The El Reno land district.*

Shall embrace all that portion of the Territory of Oklahoma beginning at the point of intersection of the first standard parallel north of the Indian meridian with the ninety-eighth degree of longitude west from Greenwich; running thence north on said ninety-eighth degree of west longitude to its intersection with the center line of the main channel of the Canadian River; thence down said river, following the center line of the main channel thereof, to the range line between ranges 6 and 7 west; thence north on said range line between ranges 6 and 7 west to the corner common to townships 13 and 14 north, ranges 6 and 7 west; thence west on the township line between townships thirteen and fourteen north to its intersection with the center line of the main channel of the Canadian River; thence up said river, following the center line of the main channel thereof, to its intersection with the western boundary line of the Wichita Indian Reservation; thence south on said western boundary line to its intersection with the north boundary line of the Kiowa, Comanche, and Apache Indian Reservation; thence west on said boundary line to its intersection with the center line of the main channel of the North Fork of the Red River; thence down said river, following the center line of the main channel thereof, to its intersection with the first standard parallel north; thence east on said first standard parallel north to the place of beginning, and the location of the land office of said district shall be at El Reno, in Canadian County, Okla.

*Second.—The Lawton land district.*

Shall embrace all that portion of the Territory of Oklahoma beginning at the point of intersection of the first standard parallel north of the Indian meridian with the ninety-eighth degree of longitude west from Greenwich, running thence west on said first standard parallel north to its intersection with the center line of the main channel of the North Fork of the Red River; thence down said river, following the center line of the main channel thereof, to the center line of the main channel of Red River; thence down said river, following the center line of the main channel thereof, to its intersection with the ninety-eighth degree of longitude west from Greenwich; thence north on said ninety-eighth degree of west longitude to the place of beginning; and the location of the land office of said district shall be at Lawton, in Comanche County, Okla.

*Third.—Change of boundaries of Oklahoma and Kingfisher districts.*

It is hereby ordered, pursuant to section 2253, Revised Statutes United States, that the following described land be detached from the Oklahoma City district and added to the El Reno district:

Beginning at the point where the ninety-eighth meridian of west longitude intersects the main channel of the Canadian River; thence following said channel south-eastwardly to the point where the range line between ranges 6 and 7 west of the Indian meridian intersects said channel; thence with said range line north to the third standard parallel north; thence along said parallel to the standard corner to townships 13 north, ranges 6 and 7 west; thence with the range line between ranges 6 and 7 west to the township corner to townships 13 and 14 north, ranges 6 and 7 west; thence westwardly with the township line between townships 13 and 14 north to its intersection with the west boundary of the Wichita Indian Reservation; thence southwardly along said west boundary to its intersection with the north boundary of the Kiowa, Comanche and Apache Indian Reservation; thence eastwardly along said north boundary to its intersection with the ninety-eighth meridian west longitude; thence along said ninety-eighth meridian to the place of beginning.

It is further hereby ordered that the following-described land embraced in the Kingfisher land district be detached from said district and added to the El Reno land district:

Beginning at a point where the township line between townships 13 and 14 north, range 13 west, of the Indian meridian, intersects the main channel of the Canadian River; thence following said channel northwestwardly to its intersection with the west boundary of the Wichita Indian Reservation; thence south with said west boundary of the Wichita Indian Reservation to its intersection with the township line between townships 13 and 14 north; thence eastwardly along said township line to the place of beginning.

Given under my hand at the city of Washington this 4th day of July, A. D. 1901.

By order of the President:

BINGER HERMANN,

*Commissioner of the General Land Office.*

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DEPARTMENT OF THE INTERIOR,

*Washington, D. C., June 24, 1901.*

Whereas under agreements ratified by the acts of March, 2, 1895 (28 Stat., 895), and June 6, 1900 (31 Stat., 676), certain lands in the Territory of Oklahoma were ceded to the United States by the Wichita and affiliated bands of Indians, and the Kiowa, Comanche, and Apache tribes of Indians, respectively; and whereas by the act of March 3, 1901 (31 Stat., 1093), it is made the duty of the Secretary of the Interior, before the time for opening them to settlement or entry, to subdivide said lands into such number of counties as will for the time being best subserve the public interests, and to designate the place for the county seat of each county, and to

set aside and reserve, at such county seat, for disposition as therein provided, 320 acres of land: *Provided, however,* That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

Now, therefore, I, Ethan Allen Hitchcock, Secretary of the Interior, in compliance with the duty imposed upon me by the act last above mentioned, do hereby subdivide said lands into three counties and fix and establish their boundaries as follows:

The boundaries of the first of said counties, hereby named Caddo County:

Beginning at the point of intersection of the first standard parallel north of the Indian base line with the ninety-eighth degree of longitude west from Greenwich, running thence west along said first standard parallel north to the southwest corner of township five north, range thirteen west; thence north on the range line between ranges thirteen and fourteen west, and its offsets, to its intersection with the third standard parallel north; thence east along said third standard parallel north to the center of the main channel of the Canadian River between section two, township twelve north, and section thirty-five, township thirteen north, in range eleven west; thence down said Canadian River, following the center line of the main channel thereof, to the range line between ranges ten and eleven west; thence south on said range line between ranges ten and eleven west to the corner common to townships ten and eleven north, ranges ten and eleven west; thence east on the township line between townships ten and eleven north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to the ninety-eighth degree of longitude west from Greenwich; thence south on said ninety-eighth degree of west longitude to the place of beginning.

The boundaries of the second county, hereby named Comanche County:

Beginning at the point of intersection of the first standard parallel north of the Indian base line with the ninety-eighth degree of longitude west from Greenwich, running thence west along said first standard parallel north to the northwest corner of township four north, range fifteen west; thence south on the range line between ranges fifteen and sixteen west to the southwest corner of township one north, range fifteen west; thence west on the Indian base line to the center of the main channel of the North Fork of the Red River; thence down said North Fork of Red River, following the center line of the main channel thereof, to the center of the main channel of the Red River; thence down said Red River, following the center line of the main channel thereof, to the ninety-eighth degree of longitude west from Greenwich; thence north along said ninety-eighth degree of west longitude to the place of beginning.

The boundaries of the third county, hereby named Kiowa County:

Beginning at the southeast corner of township five north, range fourteen west; running thence west on the first standard parallel north to the northeast corner of township four north, range sixteen west; thence south on the range line between ranges fifteen and sixteen west to the Indian base line; thence west on said Indian base line to its intersection with the center of the main channel of the North Fork of the Red River; thence up said North Fork of Red River, following the center line of the main channel thereof to its intersection with the township line between townships seven and eight north; thence east on said township line to its intersection with the center of the main channel of the Washita River; thence down said Washita River, following the center line of the main channel thereof, to the range line between ranges thirteen and fourteen west; thence south on said range line between ranges thirteen and fourteen west to the place of beginning.

In conformity with the provisions of said act of March 3, 1901 (*supra*), that any part of said lands may be attached to any adjoining county in said Territory, I have attached certain portions of said lands to the counties of Roger Mills, Washita, and Canadian, which necessitated a change in the boundaries of said counties, so that they now read as follows:



## ROGER MILLS COUNTY.

Beginning at the southeast corner of township eight north, range twenty-one west thence west on the township line between townships seven and eight north to its intersection with the center of the main channel of the north fork of the Red River thence up said North Fork of Red River, following the center line of the main channel thereof, to the one-hundredth degree of longitude west from Greenwich; thence north on said one-hundredth degree of west longitude to its intersection with the township line between townships fourteen and fifteen north; thence east on said township line between townships fourteen and fifteen north to the northeast corner of township fourteen north, range twenty-one west; thence south on the range line between ranges twenty and twenty-one west, with its offsets, to the place of beginning.

## WASHITA COUNTY.

Beginning at the northwest corner of township eleven north, range twenty west; thence south on the line between ranges twenty and twenty-one west to the southwest corner of township eight north, range twenty west; thence east on the township line between townships seven and eight north to the center of the main channel of the Washita River; thence down said Washita River, following the center line of the main channel thereof, to the range line between ranges thirteen and fourteen west; thence north, following the line between ranges thirteen and fourteen west, to the northeast corner of township eleven north, range fourteen west; thence west on the line between townships eleven and twelve north to the place of beginning.

## CANADIAN COUNTY.

Beginning at the northwest corner of township fourteen north, range ten west; thence south on the range line between ranges ten and eleven west to the third standard parallel north; thence west on said third standard parallel north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to the range line between ranges ten and eleven west; thence south on said range line between ranges ten and eleven west to the corner common to townships ten and eleven north, ranges ten and eleven west; thence east on the township line between townships ten and eleven north to the center of the main channel of the Canadian River; thence down said Canadian River, following the center line of the main channel thereof, to its intersection with the range line between ranges four and five west; thence north on said range line between ranges four and five west to the northeast corner of township fourteen north, range five west; thence west on the township line between townships fourteen and fifteen north, to the place of beginning.

The county seat of Caddo County is hereby named Anadarko, and is located upon the following-described tract of land, containing 320 acres: The SE.  $\frac{1}{4}$ , the E.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$ , the SW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$ , the E.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 15, and the E.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 16, township 7 north, range 10 west, Indian meridian.

The county seat of Comanche County is hereby named Lawton, and is located upon the following-described tract of land, containing 320 acres: The N.  $\frac{1}{2}$  of sec. 31, township 2 north, range 11 west.

The county seat of Kiowa County is hereby named Hobart, and is located upon the following-described tract of land, containing 320 acres: The W.  $\frac{1}{2}$  of sec. 3, township 6 north, range 18 west.

ETHAN ALLEN HITCHCOCK,  
*Secretary of the Interior.*

(WICHITA FOREST RESERVE.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas it is provided by section twenty-four of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-land laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof;"

And whereas the public lands in the Territory of Oklahoma, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation:

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Oklahoma, and particularly described as follows, to wit:

Beginning at the southeast corner of township three (3) north, range fourteen (14) west, Indian meridian, Territory of Oklahoma; thence north along the township line to the northeast corner of section twenty-four (24), township three (3) north, range fourteen (14) west; thence east on the section line to the southeast corner of section thirteen (13), township three (3) north, range thirteen (13) west; thence north along the range line between ranges twelve (12) and thirteen (13) west to the northeast corner of the southeast quarter of section twelve (12), township three (3) north, range thirteen (13) west; thence west to the southwest corner of the northwest quarter of section twelve (12), township three (3) north, range thirteen (13) west; thence north to the southwest corner of section one (1), township three (3) north, range thirteen (13) west; thence west along the section line between sections two (2) and eleven (11) to the southwest corner of section two (2), township three (3) north, range thirteen (13) west; thence north along the section line between sections two (2) and three (3) to the southeast corner of the northeast quarter of section three (3), township three (3) north, range thirteen (13) west; thence west along the center line of sections three (3), four (4), five (5), and six (6) to the southwest corner of the northwest quarter of section six (6), township three (3) north, range thirteen (13) west; thence north along the range line between ranges thirteen (13) and fourteen (14) west to the northeast corner of section one (1), township three (3) north, range fourteen (14) west; thence west along the township line between townships three (3) and four (4) north to the northwest corner of section two (2), township three (3) north, range fourteen (14) west; thence north to the northeast corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section thirty-four (34), township four (4) north, range fourteen (14) west; thence north to the northeast corner of the southeast quarter of section twenty-one (21), township four (4) north, range fourteen (14) west; thence west to the southwest corner of the northwest quarter of section twenty (20), township four (4) north, range fourteen (14) west; thence north to the northeast corner of section eighteen (18), township four (4) north, range fourteen (14) west; thence west to the northwest corner of section seventeen (17), township four (4) north, range fifteen (15) west; thence south to the southwest corner of

section twenty-nine (29), township four (4) north, range fifteen (15) west; thence east to the southeast corner of section twenty-nine (29), township four (4) north, range fifteen (15) west; thence south to the southwest corner of section thirty-three (33), township four (4) north, range fifteen (15) west; thence east to the southeast corner of said section thirty-three (33), township four (4) north, range fifteen (15) west; thence south to the southwest corner of the northwest quarter of section ten (10), township three (3) north, range fifteen (15) west; thence east to the southeast corner of the northeast quarter of said section ten (10), township three (3) north, range fifteen (15) west; thence south to the southwest corner of section twenty-six (26), township three (3) north, range fifteen (15) west; thence east to the southeast corner of said section twenty-six (26); thence south to the southwest corner of the northwest quarter of section thirty-six (36), township three (3) north, range fifteen (15) west; thence east to the center of section thirty-three (33), township three (3) north, range fourteen (14) west; thence south to the southwest corner of the southeast quarter of said section thirty-three (33); thence east along the township line between townships two (2) and three (3) north to the southeast corner of township three (3) north, range fourteen (14) west, the place of beginning.

Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation.

The reservation hereby established shall be known as the Wichita Forest Reserve.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and one and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

DAVID J. HILL,

*Acting Secretary of State.*

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(28 Stat., 876, 894.)

CHAP. 188.—AN ACT making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes.

\* \* \* \* \*

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the fourth day of June, eighteen hundred and ninety-one, conclude an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

"Articles of agreement made and entered into at Anadarko, in the Indian Territory, on the 4th day of June, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Wichita and affiliated bands of Indians in the Indian Territory.

#### "ARTICLE I.

"The said Wichita and affiliated bands of Indians in the Indian Territory hereby cede, convey, transfer, relinquish, forever and absolutely, without any reservation whatever, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit:

"Commencing at a point in the middle of the main channel of the Washita River where the ninety-eighth meridian of west longitude crosses the same; thence up the

**middle** of the main channel of said river to the line of 98° 40' west longitude; thence **on said** line of 98° 40' due north to the middle of the channel of the main Canadian River; thence down the middle of said main Canadian River to where it crosses the **ninety-eighth** meridian; thence due south to the place of beginning.

“ARTICLE II.

“ In consideration of the cession recited in the foregoing article, the United States agrees that out of said tract of country there shall be allotted to each and every member of said Wichita and affiliated bands of Indians in the Indian Territory, native and adopted, one hundred and sixty acres of land, in the manner and form as follows:

“ Said tract of country shall be, by the United States, classified into grazing and grain-growing land, and when so classified each of said Indians shall be required to take at least one-half in area of his or her allotment in grazing land, subject to the foregoing and other restrictions hereinafter recited. Each and every member of said Wichita and affiliated bands of Indians in the Indian Territory over the age of eighteen years shall have the right to select for himself or herself one hundred and sixty acres of land, to be held and owned in severalty, but to conform to legal surveys in boundary as nearly as practicable; and that the father, or if he be dead the mother (if members of said tribe or bands of Indians), shall have the right to select a like amount of land, under the same restrictions, for each of his or her children under the age of eighteen years; and that the Commissioner of Indian Affairs, or some one appointed by him for the purpose, shall select a like amount of land, under the same restrictions, for each orphan child belonging to said tribe or bands of Indians under the age of eighteen years.

“It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said tract of country that is now used or occupied, or that has been or may hereafter be set apart for military, agency, school, school farm, religious, town-site, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any member of said Wichita and affiliated bands of Indians has heretofore made improvements upon and now occupies and uses a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection, according to the legal subdivisions, so as to include his or her improvements. It is further agreed that wherever in said tract of country any one of said Indians has made improvements and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection, to conform to legal subdivisions, however, so as to include such improvements, without reference to the classification of land hereinbefore recited.

“ARTICLE III.

“All allotments hereunder shall be selected within ninety days from the ratification of this agreement by Congress of the United States: provided, the Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in such time, then the allotting agent in charge of the work of making such allotments shall, within the next thirty (30) days after said time, make allotments to such Indians, which shall have the same force and effect as if the selections were made by the Indians themselves.

“ARTICLE IV.

“When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for a period of twenty-five (25) years, in the manner and

to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,' approved February 8, 1887. And at the expiration of twenty-five (25) years the title thereto shall be conveyed in fee simple to the allottees, or their heirs, free from all incumbrances.

"ARTICLE V.

"In addition to the allotments above provided for, and the other benefits to be received under the preceding articles, said Wichita and affiliated bands of Indians claim and insist that further compensation, in money, should be made to them by the United States, for their possessory right in and to the lands above described in excess of so much thereof as may be required for their said allotments. Therefore it is further agreed that the question as to what sum of money, if any, shall be paid to said Indians for such surplus lands shall be submitted to the Congress of the United States, the decision of Congress thereon to be final and binding upon said Indians; provided, if any sum of money shall be allowed by Congress for surplus lands, it shall be subject to a reduction for each allotment of land that may be taken in excess of one thousand and sixty (1,060) at that price per acre, if any, that may be allowed by Congress.

"ARTICLE VI.

"It is further agreed that there shall be reserved to said Indians the right to prefer against the United States any and every claim that they may believe they have the right to prefer, save and except any claim to the tract of country described in the first article of this agreement.

"ARTICLE VII.

"It is hereby further agreed that wherever, in this reservation, any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization; not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry. That whenever said lands are abandoned for school purposes the same shall revert to said Indian tribes and be disposed of for their benefit.

"ARTICLE VIII.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States.

"In witness whereof the said commissioners on the part of the United States have hereunto set their hands, and the undersigned members of the said Wichita and affiliated bands of Indians have set their hands, the day and year first above written."

That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein provided.

The compensation to be allowed in full for all Indian claims to these lands which may be sustained by said court in the scrip hereinafter provided for shall not exceed one dollar and twenty-five cents per acre for so much of said land as will not be required for allotment to the Indians as provided in the foregoing agreement, subject to such reduction as may be found necessary under article five of said agreement: *Provided*, That no part of said sum shall be paid except as hereinafter provided.

That for the purpose of making the allotments provided for in said agreement, including the pay and expenses of the necessary special agent or agents hereby author-

ized to be appointed by the President for the purpose and the necessary resurveys, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entrymen: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural college, normal schools, and public buildings of the Territory and future State of Oklahoma, and in case either of said sections or parts thereof is lost to said Territory by reason of allotment under this act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss: *Provided*, That the United States shall pay the Indians for said reserved sections the same price as is paid for the lands not reserved.

That as fast as the lands opened for settlement under this act are sold the money received for such sales shall be deposited in the Treasury subject to the judgment of the court in the suit herein provided for, less such amount, not to exceed fifteen thousand dollars, as the Secretary of the Interior may find due Luther H. Pike, deceased, late delegate of said Indians, in accordance with his agreement with said Indians, to be retained in the Treasury to the credit and subject to the drafts of the legal representative of said Luther H. Pike: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the same is fully settled.

That as the Choctaw and Chickasaw Nations claim to have some right, title, and interest in and to the lands ceded by the foregoing agreement, which claim is controverted by the United States, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw Nations and the Wichita and affiliated bands of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States, and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United

States admit that the Choctaw and Chickasaw Nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States and the Wichita and affiliated bands of Indians parties defendant and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorney of said nations upon information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act their claim shall be forever barred: *And provided further*, That it shall be the duty of the Attorney-General of the United States, within ten days after the filing of said petition, to give notice to said Wichitas and affiliated bands through the agents, delegates, attorneys, or other representatives of said bands that said bands are made defendants in said suit, of the purpose of said suit, that they are required to make answer to said petition, and that Congress has, in accordance with article five of said agreement, adopted this method of determining their compensation, if any. And the answer of the Wichitas and affiliated bands shall state the facts on which they rely for compensation, and may be verified by their agents, delegates, attorneys, or other representatives upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *And provided also*, That said Wichitas and affiliated bands shall file their answer in said suit within sixty days after they shall receive from the Attorney-General of the United States the notice herein provided for, unless further time is granted by the court; and in the event of failure to answer they may be barred from all claim in the premises aforesaid.

The said Court of Claims shall receive and consider as evidence in the suit everything which shall be deemed by said court necessary to aid it in determining the questions presented, and tending to shed light on the claim, rights, and equities of the parties litigant, and issue rules on any department of the Government therefor if necessary.

It is hereby further provided that said Choctaw and Chickasaw nations may, at any time before the rendition of final judgment in said case by the Court of Claims, negotiate with the commissioners appointed under section sixteen of the act of Congress approved the third day of March, eighteen hundred and ninety-three (27 Stats., 645), or with any successor or successors in said commission for the settlement of the said matters involved in said suit, and move the suspension of such action until such negotiation shall be accepted or rejected by Congress; such settlement, however, to be made with the concurrence of the Secretary of the Interior and Attorney-General of the United States.

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

\* \* \* \* \*

Approved March 2, 1895.

NOTE.—The suit provided for in the above act was determined adversely to the Choctaw and Chickasaw tribes December 10, 1900, by the Supreme Court of the United States. *United States vs. Choctaw and Chickasaw Nations*, 179 U. S., 494.

(31 Stat., 672, 676.)

CHAP. 813.—AN ACT to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

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SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Coman-

che, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians four hundred and eighty thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the North Fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said North Fork of Red River; thence down said North Fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north on said meridian line to the place of beginning.

"ARTICLE II.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (60) acres of land, to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

"ARTICLE III.

"That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections sixteen (16) and thirty-six (36), in each Congressional township; except in cases where any Comanche, Kiowa, or Apache



Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the lands so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and used: and such land shall not be subject to homestead entry.

#### "ARTICLE IV.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

#### "ARTICLE V.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

#### "ARTICLE VI.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million (\$2,000,000) dollars, as follows: Five hundred thousand (\$500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand (\$1,500,000) dollars to

be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of five per centum per annum, to be paid to the said Indians per capita annually.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

"It is further agreed that the following-named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Keoh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmitt Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes.

"ARTICLE XI.

"This agreement shall be effective only when ratified by the Congress of the United States."

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this act.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his

entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

That should any of said lands allotted to said Indians, or opened to settlement under this act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this act; and the mineral laws of the United States are hereby extended over said lands.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right to appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States

party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand (\$1,500,000) dollars shall be subject to such legislation as Congress may deem proper.

Approved, June 6, 1900.

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(31 Stat., 727.)

CHAP. 8.—AN ACT making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

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For completing the allotments provided for in the agreement with the Comanche, Kiowa, and Apache Indians in Oklahoma, ratified by act approved June sixth, nineteen hundred, including the necessary resurveys, seventy-five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to contract with responsible parties for retracing the lines and reestablishing the monuments found necessary in making said allotments; and he is hereby authorized to extend the time for making said allotments and opening of the land to settlement for a period not exceeding eight months from the sixth day of December, nineteen hundred: *Provided further*, That the Secretary of the Interior may temporarily employ such persons as may be necessary to make such allotments.

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Approved, January 4, 1901.

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(31 Stat., 1093, 1094.)

CHAP. 846.—AN ACT to supplement existing laws relating to the disposition of lands, and so forth.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, SECTION 1. That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified by the acts of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred, it shall be the duty of the Secretary of the Interior to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, three hundred and twenty acres of land: *Provided*, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy, or enter any

of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto. The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding ten thousand dollars, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians; one of the land offices shall be located at El Reno, in the county of Canadian, and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

Approved, March 3, 1901.

### EXHIBIT E.

#### REPORT OF W. A. RICHARDS, ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE, RESPECTING OPENING OF KIOWA, ETC., LANDS IN OKLAHOMA.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

*Washington, October 9, 1901.*

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following report respecting the opening to settlement and entry of the Kiowa, Comanche and Apache, and Wichita lands situated in the Territory of Oklahoma, ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

Acting under instructions dated May 13, 1901, I subdivided the territory embraced in the above-named lands into three counties, after having first attached to some of the surrounding counties small portions of the lands more properly belonging to those counties.

The county embracing the lands to the northeast was named Caddo County; the one embracing the lands to the northwest was named Kiowa County, while the one embracing the lands to the south was named Comanche County.

Sites were also selected for the county seats of these new counties, that for Caddo

County being in the immediate vicinity of Anadarko station on the Chicago, Rock Island and Pacific Railroad, which was named Anadarko; that for Kiowa County being near the station of Kiowa on the above-named railroad and named Hobart, while the site for the county seat of Comanche County was located 5 miles south of Fort Sill and named Lawton. These town sites each embraced 320 acres and were surveyed into blocks, lots, streets, and alleys. The surveys of these town sites were made by examiners of surveys detailed from the General Land Office for that purpose.

The location of the boundaries of the three new counties and of the town sites for their respective county seats was completed upon June 11, 1901, and a detailed report of my action in connection therewith was submitted and approved.

The expenses incident to the surveying, subdividing, and platting of the town sites, reimbursable to the Government from the sale of lots by the act of March 3, 1901, were \$5,284.24, as set forth in the itemized statement herewith submitted.

#### REGISTRATION.

In accordance with your letter of June 29, 1901, under which I was instructed to take charge of the prospective opening of the Kiowa, Comanche and Apache, and the Wichita reservations, I proceeded to El Reno, Okla., arriving at 2 o'clock a. m. of July 10, the day upon which registration was to begin.

Under date of July 4, 1901, the Commissioner of the General Land Office, by direction of the President, established two new land districts in Oklahoma—the El Reno land district, which includes the Wichita Reservation and the northern portion of the Kiowa Reservation, with the land office at El Reno, and the Lawton land district, which includes the remaining portion of the Kiowa and the Comanche and Apache reservations, with the land office at Lawton.

By the proclamation of the President of July 4, 1901, El Reno and Lawton were designated as places of registration, it being provided that the registration at each office should be for both land districts, but that at the time of registration each applicant should be required to elect and state in which district he desired to make entry. It was calculated that under this plan three-fourths of those desiring to make entry would register at El Reno and one-fourth at Lawton, which estimate proved to be practically correct. Thirty-three clerks were detailed from the General Land Office to make the registration, 8 of whom went to Lawton and 25 to El Reno.

The proclamation also provided that the office at Lawton should occupy provisional quarters in the immediate vicinity of Fort Sill until suitable quarters could be provided at Lawton. Under authority obtained from the honorable Secretary of War, the registration for the Lawton district was made at Fort Sill, where a commodious building was furnished for the use of the clerks. The registration at this point was very greatly facilitated by the efficient service rendered by the commanding officer, Maj. G. L. Scott, and the officers and men under his command. A very large proportion of those who registered at Fort Sill came there in wagons and went into camp in the valley of Cache Creek, upon the military reservation. During a portion of the period of registration this camp contained more than 10,000 people. Good order prevailed both in the camp and at the registration booth, which speaks well for the efficiency of those in charge of the registration, the military, and the people themselves.

The registration at this place proceeded in a perfectly orderly manner throughout the entire period and was concluded at 6 p. m. of July 26 with a total registration of 29,000, and no qualified applicant was left unregistered at the close of business. Upon the conclusion of the registration, the clerks in charge were transported to the railroad station, 30 miles distant, in Government ambulances kindly furnished by Major Scott, and at 5 o'clock a. m. of July 27 reported for duty to me at El Reno.

The clerks who were to make the registration at El Reno reached that place at 2 a. m. of July 10, and at 9 a. m. of that day began the registration at six booths, which had been previously secured and furnished. Four clerks were placed in each booth to work under the direction of one of their number designated as chief.

Upon the opening of the booths several thousand people were in line before them, some of them having been there more than twenty-four hours. There being a great many women in the lines, I proceeded to secure and furnish a booth to be used exclusively by women, and opened the same at 1 o'clock p. m. of July 10, with two land-office clerks and two clerks temporarily employed, the places of these two clerks in their respective booths being filled by hiring two additional temporary clerks.

The establishment of this booth was heartily indorsed and highly appreciated by the women, of whom about 8,000 were registered there. As they were not prohibited from registering at the other booths it is estimated that about 2,000 were so registered, making an estimated total of 10,000 women who were registered at El Reno.

Upon July 10, the first day of registration, 4,018 people were registered, which was very satisfactory, all things being considered.

As it was necessary that applications for registration should be sworn to before being presented to the registering clerks, notaries public, clerks of courts, justices of the peace, and others authorized to administer oaths engaged in the business of preparing such papers. At first exorbitant charges were made for such services. To correct this practice I refused to furnish blanks to any officer who would not agree to charge but 25 cents for his services in each case, which resulted in fixing that amount as the general charge. At Fort Sill, where, on account of the military supervision, the matter could be more easily controlled, the charge was fixed at 10 cents.

Upon July 13, through an accident to the pumping machinery at the waterworks, water was shut off from the mains supplying El Reno with water. The weather was very hot, and there were not less than 15,000 transient people in the city, making the situation one of great seriousness. Unless it could have been remedied at once it would have been necessary to have transferred the registration to some place where there would have been sufficient water. In conference with the city officials, this fact was impressed upon them and it was urged that immediate steps be taken to repair the waterworks. It was also suggested as a means of temporary relief that casks, with drinking cups attached, be placed at convenient places upon the streets and kept filled with water obtained from wells, with a cake of ice in each cask. These suggestions were acted upon without delay, the waterworks were speedily repaired, and the public drinking places provided and found to be so useful that they were maintained during the entire period of registration.

In this connection I take pleasure in stating that during the registration and the drawing which followed it the people of El Reno put forth every exertion to provide for the comfort and convenience of the strangers who visited their city. There was no raise in the prices of any of the commodities or accommodations necessary to their comfort, and while for thirty days the city contained more than ten times its normal population there were no hardships nor suffering, but all were well cared for and made comfortable at very reasonable expense.

The registration progressed in an orderly manner, but on account of the applicants being largely in excess of the number which had been expected it became necessary to employ additional assistance. Booth No. 1 was so situated that a greater number of people applied for registration there than at any other point, and the largest number of clerks employed in one place were in this booth. It was used as a training school from which clerks could be taken as needed for use in other booths. By keeping fully informed of the movement of trains upon the railroads entering El Reno I was enabled to so arrange the clerks as to be continually prepared to speedily register the great numbers of people who arrived daily. After the second day no unregis-

tered people were left in front of the booths when they were closed for the night. The time appointed for the opening of the booths was 8 o'clock a. m., but they were frequently opened earlier by the voluntary action of the clerks. The hours of closing were regulated by the number of people who arrived during the day, but 5 o'clock p. m. was the general hour for closing.

Upon Wednesday, July 24, the reports from the railroads and the numbers of people present indicated that the registration would be unusually large, for which we were fully prepared. Between the hours of 8 a. m. and 12 o'clock noon 11,556 people were registered. As eight heavily loaded trains were due to arrive between 4 and 6 p. m., it was arranged that the booths should be kept open until 8 o'clock or until everybody who so desired had been registered. We were disappointed by the railroads, however, and only two of the trains arrived before 8 o'clock, the total registration for the day being something in excess of 16,000.

Registration was effected by the applicant presenting a sworn statement of his qualifications and his desire to be registered, which was received and filed. A small blank was then filled out with a description of the applicant, the name of the land district in which he desired to make homestead entry, and his post-office address, which he signed, after which he was given a certificate of registration.

Upon July 11 a force of clerks was engaged and, in charge of an experienced clerk, were employed in separating by districts and arranging in alphabetical order the applications and identification cards received at the booths on the preceding day. After having been placed in order, each identification card was compared with its corresponding application and by this means any errors which might have occurred in the registration were corrected. At the same time a typewritten list was made for each district, embracing the names of those registered for that district, each day's work alphabetically arranged.

The applications, identification cards, and lists for each district were subsequently placed in the respective land offices and afford a means of detecting any frauds which may have been attempted through double registration or the attempt to impersonate another person in making an entry.

After the first week of registration the applications of soldiers to register by agent became so numerous and so impeded the registration of others that it became necessary to organize a separate booth for the registration of soldiers by soldiers' agents, which booth was placed in charge of an efficient clerk and in which were located the register and receiver of the El Reno office, who rendered faithful and efficient service.

It is believed that the fact that all soldiers' agents were required to register at one booth prevented some designing men from attempting to act as agent for more than one soldier, which they might have done successfully if allowed to register at any of the other booths.

Upon Friday, July 26, registration was closed in every booth simultaneously at 6 o'clock p. m., the chief of each booth having set his watch by city observatory time, in addition to which the city fire bell was struck at that hour. At the time of closing there was no unregistered person in front of any booth in the city.

The total registration at El Reno was 135,416. Upon the first day of the registration there was considerable disorder at several of the booths at this place, the people appearing to have an idea that it was necessary for them to secure and hold their positions in line by force and to take every means to guard their own interests. In a very short time they appeared to become satisfied that they were to receive fair treatment; that there would be no favoritism, and that the entire matter was to be honestly managed, after which there was absolutely no disturbance of any kind in connection with the registration. In fact, there was very little disorder of any character in the city at any time, notwithstanding its overcrowded condition.

Upon the conclusion of the registration, all of the land-office clerks were immediately employed in placing the identification cards in proper envelopes and sealing



the same, which had been delayed until this time by the fact that it was impossible to obtain the envelopes in time to place the cards in them when the registration was made.

I consider that it was an advantage to those who registered that the cards should not have been placed in the envelopes at the same time that the registration was made, as by the delay an opportunity was afforded to compare each identification card with the sworn application, thus affording a complete check upon the registration and a means of correcting any errors that might have been made in the rush of work.

The identification cards were carefully guarded during the day, at the time of registration, by being placed in locked cash boxes through a slit cut for that purpose, no one but myself having a key to any of these boxes. At night these cards were placed in the vault of the Citizens' State Bank, of El Reno, and were taken out only upon my order.

No one but land-office clerks were employed in placing these cards in the envelopes, which was completed about 4 o'clock of Sunday, July 28, this being the only Sunday upon which we found it necessary to work.

#### THE DRAWING.

By your letter of July 20, 1901, Hon. David P. Dyer, of Missouri, Hon. Frank Dale, of Oklahoma, and myself were appointed a committee to have the supervision of the drawing to determine the order in which registered applicants would be permitted to make entry in conformity with the President's proclamation of July 4, 1901, of which committee I was appointed chairman.

This committee first met at El Reno on the evening of the 25th day of July, and readily agreed upon the plan by which the drawing should be conducted. In pursuance thereof a platform 32 feet square was erected in one of the streets of the city, fronting the high-school grounds, which rose gradually from the platform, affording ample space for those desiring to witness the drawing. A canvas roof covered the platform and canvas curtains were provided with which to inclose its sides in case of a storm.

Two boxes were constructed in which were to be placed the envelopes containing the names of those who had been registered. Each of these boxes was 10 feet long,  $2\frac{1}{2}$  feet deep, and  $2\frac{1}{2}$  feet wide, with an iron rod running the entire length through the middle of each box, securely fastened. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings about 2 feet apart for the purpose of receiving the envelopes. On another side of each box there were five holes, each separately numbered, large enough to admit the hand and arm of a person and through which the envelopes were to be drawn. These holes were covered with slides except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's proclamation for the drawing, these boxes were taken upon the platform and placed upon trestles upon which they could be revolved. The envelopes containing the names of all who had been registered were also brought upon the platform. These envelopes had been separated according to the respective land districts, were of two colors, one being buff and the other white, and bore no distinguishing mark other than the name "El Reno" on those for one district and "Lawton" on those for the other. The envelopes were in pasteboard boxes, each of which contained 400 envelopes, and the boxes for each district were consecutively numbered. Small cards had been prepared bearing numbers corresponding to the numbers upon the envelope boxes, which cards were placed in a receptacle from which they were drawn at random, and the envelope boxes taken in the order in which the cards were drawn and their contents placed in the larger boxes, a portion of each box through each of the three larger openings, and well scattered throughout the entire length of the box.

When all of the envelopes had been thus placed, these openings in the drawing boxes were closed and securely sealed, and the boxes revolved until the envelopes were thoroughly mixed. Ten reputable young men had been selected, all of whom were under age and therefore not registered and in no wise interested in the drawing, to draw the envelopes from the boxes. These young men were assigned to the holes in these boxes by lot, and it was also determined by lot which one should begin the drawing at each box. The young man at the hole numbered 3 drew the number entitling him to take the first envelope from the El Reno box, and the young man at the hole numbered 4 drew the number entitling him to take the first envelope from the Lawton box, the drawing thereafter to continue in numerical order.

The drawing began with the El Reno box by the young man at hole numbered 3 drawing an envelope, which he handed to Mr. Dale, of the committee, who caused the same to be numbered 1. He then opened the envelope and took therefrom the identification card and caused the same number to be placed upon it, and then handed the card to Mr. Richards, of the committee, who inspected the same and in turn handed it to Mr. Dyer, of the committee, who announced the name and description of the person to the people. This course was followed until 25 envelopes had been drawn from the El Reno box, after which the box was closed and 25 envelopes were drawn from the Lawton box in the same order and disposed of in the same manner, after which this box was closed and both boxes securely sealed and adjournment taken until 2 o'clock p. m.

Great interest was shown by the people in this part of the drawing, and it was estimated that there were not less than 30,000 present to witness it. The location of the stand and the elevation of the grounds surrounding it were such as to enable all to have a fair view of the proceedings. There was no disorder of any kind, and the announcement of the names drawn was received with great applause.

In the afternoon of this day the drawing was continued until 500 names had been drawn from each box, the same order observed in the drawing of the morning being followed, except that instead of the announcement being made from the platform, typewritten lists were prepared, which were taken out into the midst of the audience and read, and then posted upon bulletin boards which had been provided for that purpose.

Provision had been made upon the stand for the accommodation of newspaper reporters, of whom a large number were in attendance, and to whom manifold copies of these typewritten lists were furnished and by them supplied to their respective newspapers. All of the daily papers of Oklahoma and many of those of the States of Kansas, Missouri, and Texas published complete lists of the names and numbers of the first 6,500 drawn for each land district, thus affording notification to those interested.

While the drawing of names was in progress a force of land-office clerks was engaged in preparing postal-card notices to those whose names had been drawn, which were placed in the post-office upon the evening of that day. This course was followed during the entire drawing of the 6,500 names from each land district, the postal cards being mailed on the same day upon which the names were drawn.

At the close of the first day's drawing the boxes were sealed up and left in charge of some of the land-office clerks and a guard of deputy United States marshals, which course was pursued during the entire period of the drawing.

The drawing was continued upon the platform at the rate of 2,000 per day for each land district until the total of 6,500 envelopes had been drawn for each district, which covered a period of four days. The drawing of this number might have been concluded in a shorter space of time, but it was not deemed advisable, as the number drawn per day was as large as the newspapers could conveniently handle. As it was estimated that there was only a sufficient amount of land in each land district to supply 6,500 entrymen, only that number in each district were notified to appear at the respective land offices upon stated days.

Upon the conclusion of the drawing of these 6,500 names for each land district the boxes were removed to a building where the drawing could be more expeditiously conducted and where it was continued in the same manner, each envelope and identification card being given corresponding numbers. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered.

The postal-card notices for all of the 6,500 names drawn for each land district were mailed by land-office clerks, who exercised great care in this work in order that each one might be properly notified. Upon the conclusion of the mailing of these essential notices a force of clerks were employed, who were nearly all residents of El Reno, and placed in charge of a competent land-office clerk and proceeded to mail notice of the number drawn by each of the remaining ones in each of the land districts. This was done in accordance with the requirements of the President's proclamation, and was a wise provision, as by it each applicant had the satisfaction of knowing that his name had been placed in the box of the district in which he desired to enter and had been drawn in its order.

The commission duly certified to the land officers at El Reno and Lawton the lists of 6,500 names for each land district drawn from the box, showing the order in which those whose names were drawn might make their homestead entries.

While the greatest interest was shown by the people in the first day's drawing, and a larger number were present that day than upon any subsequent day, a very large number of people remained in El Reno until the conclusion of the drawing of 6,500 names in each district. There was the same good order which had prevailed throughout the entire period of registration. No dissatisfaction was at any time expressed as to the plan of the drawing or the manner in which it was conducted, but, upon the contrary, both were very generally commended. Even those who met with disappointment in the drawing of numbers had no criticism to offer, but expressed themselves as satisfied that they had been treated with absolute fairness.

#### SALE OF TOWN SITES.

By your letter of July 19, 1901, I was instructed to take charge of and superintend, subject to the provisions of the act of March 3, 1901, and the regulations contained in said letter, the offering and sale of the town lots in the county-seat town sites of Lawton, Anadarko, and Hobart, in the respective and duly formed counties of Comanche, Caddo, and Kiowa, which instructions were supplemented by your telegram of July 26, 1901, relating to the appointment of commissioners.

Acting under these instructions, I appointed J. R. Hampton as commissioner for the sale of the town site of Lawton, C. F. Nesler as commissioner for the sale of the town site of Anadarko, and E. P. Holcombe as commissioner for the sale of the town site of Hobart, and designated the auctioneers and clerks who were to assist them. These commissioners gave the required bonds, which were approved by the Department, entered upon their duties, and began the sale of the town lots promptly at 9 o'clock of August 6 in each of the three town sites. The sales were continued from day to day without any special incidents worthy of note. There was no occasion to suspend the sales and no evidence of any combination among the bidders to suppress competition or prevent the sale of lots at a reasonable value, nor was there any disturbance among the bidders or those present which prevented the orderly progress of the sale. All lots purchased were immediately paid for in cash, and the money received therefor was transmitted by each commissioner, without delay, to the sub-treasury at St. Louis. Every precaution was taken for the safe-keeping of the money while in the possession of the commissioners. The greatest precaution taken to protect the money received from these sales was at Lawton.

When the sales began at this place, on the 6th of August, the nearest railroad station was Rush Springs, Ind. T., a distance of 30 miles, the road from Lawton to which

place ran through an unsettled country. A military escort of 10 cavalymen, in command of a sergeant, was provided by Major Scott, the commanding officer at Fort Sill, and as it was necessary to make this trip of 30 miles six times a week, it required two details upon the road all the time. Subsequently the Chicago, Rock Island and Pacific Railroad was completed to a point 12 miles north of Fort Sill, at which point an express office was established, after which the funds were taken to that point, and at the conclusion of the sale the road had been completed to Fort Sill.

A guard of cavalymen was also furnished each day for the protection of the money during the sale and during its transmission from Lawton to Fort Sill, where it was necessary that it should be kept overnight, which was also done under guard. The money paid for town lots at Lawton was under a military guard from the time it was paid to the commissioner until it was delivered to the express company. The same was true of the money received from the sale of lots at Anadarko, a detachment of cavalry being stationed at that place for the purpose of guarding the receipts of the sale of that town site.

There were no troops stationed at Hobart, the protection of the funds received there being provided by deputy United States marshals. The deputies furnished by the United States marshal also rendered very efficient services at Anadarko and Lawton, in conjunction with the military guard. There was no loss of funds of any kind at either of these town sites.

The sales progressed without interruption, every lot in each of the town sites being sold and paid for and the sales concluded within the time prescribed by your instructions. The receipts from the sales of these town sites were as follows:

Town site.	Number of lots.	Total receipts.
Lawton .....	1,422	\$414,845
Anadarko.....	1,129	188,455
Hobart. ....	1,308	132,733

making the total receipts from the sale of the three town sites \$736,033.

The expenses incurred in making the sales of these town sites are as follows:

Lawton.....	\$2,489.62
Anadarko.....	1,544.53
Hobart .....	1,797.00
Total .....	\$5,831.15

which is a little less than four-fifths of 1 per cent of the total receipts.

Under the authority of your telegram of August 3, 1901, these expenses, which included the pay of the commissioners, were paid from the receipts of the respective sales, and the net receipts only were deposited in the subtreasury at St. Louis to your credit as trustee for the respective town sites. These amounts so deposited are, respectively, as follows:

Lawton:

Total receipts .....	\$414,845.00
Total expenses .....	2,489.62

Amount deposited..... \$412,355.38

Anadarko:

Total receipts .....	188,455.00
Total expenses .....	1,544.53

Amount deposited..... 186,910.47

## Hobart:

Total receipts .....	\$132, 733. 00
Total expenses .....	1, 797. 00
Amount deposited .....	<u>\$130, 936. 00</u>
Total amount deposited .....	730, 201. 85

It is provided in the act of March 3, 1901, that—

“the receipts from the sale of these lots in the respective county seats shall, after deducting the expense incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior, in the following manner,” etc.

A statement has heretofore been submitted of the expenses incident to the surveying, subdividing, and platting of the town sites of Lawton, Anadarko, and Hobart. As these town sites embrace the same number of acres, and the expenses incident to their survey were practically the same in each case, no attempt has been made to keep an account with each town site, but the expenses incident to their survey are submitted in one account with the suggestion that in my opinion they should be divided equally between the three town sites, one-third of the gross amount to be charged to each one.

These accounts have all been audited in the General Land Office and paid from the appropriations to which they are properly chargeable.

It appears that the entire amount of expenses so incurred and paid and which should now be deducted from the receipts of sales of said town lots on account of said expenses, and deposited to the credit of the Treasurer of the United States, is \$5,284.24, one-third of which is \$1,761.41, which amount it is recommended should be charged against the receipts from the sale of each town site.

If the distribution of expense of survey is made as herein suggested, the net balances to the credit of the town sites will be as follows:

## Lawton:

Gross receipts .....	\$414, 845. 00
Less expense of survey .....	\$1, 761. 41
Less expense of sale .....	<u>2, 489. 62</u>
Total expense .....	4, 251. 03
Total net receipts .....	410, 593. 97

## Anadarko:

Gross receipts .....	188, 455. 00
Less expense of survey .....	1, 761. 41
Less expense of sale .....	<u>1, 544. 53</u>
Total expense .....	3, 305. 94
Total net receipts .....	185, 149. 06

## Hobart:

Gross receipts .....	132, 733. 00
Less expense of survey .....	1, 761. 41
Less expense of sale .....	<u>1, 797. 00</u>
Total expense .....	3, 558. 41
Total net receipts .....	129, 174. 59
Total net receipts from sale of three town sites .....	<u>\$724, 917. 62</u>

Great credit is due to the commissioners and those associated with them for the successful manner in which the sales of these town sites were conducted. At the beginning of the sales there were no buildings upon either of the town sites which could be used by the commissioners, and it was necessary that temporary platforms should be erected, upon which the sales were conducted. At Lawton a small building was also constructed, which was occupied by the commissioner and his clerks, while they occupied sleeping apartments and boarded at Fort Sill. At Anadarko the commissioner and his assistants obtained board and lodging at the Indian agency, adjoining the town site, while at Hobart the commissioner and his assistants lived in a tent adjoining the platform upon which the sales were made.

While the time devoted to the sale of lots was from 9 a. m. until 4 p. m., it was necessary that the commissioners and their assistants should begin work much earlier than 9 o'clock, while the making up of their accounts and reports occupied their time for several hours after the sales were closed.

At each one of the town sites it was necessary that the money received from the day's sales should be retained by the commissioner over night, as the express company would not receive it until the following day. This necessitated a night guard upon the money, and was a constant source of care to the commissioners.

The sales were conducted to the entire satisfaction of those who participated in the purchase of lots, while the amounts received were larger than had been expected. The expenses incident to the survey and the sale were as small as the conditions under which they were made would permit, and the net receipts are sufficient to place each of the new counties upon a good financial basis.

#### THE ENTRIES.

In accordance with the President's proclamation, the land offices at El Reno and Lawton were duly opened for business upon the qualification of their respective registers and receivers. Prior to August 6, 1901, the business of these officers was principally confined to passing upon applications for reservations for town-site purposes, of which there were seven in the El Reno district and three in the Lawton district which finally received your approval, and to receiving the additional entries of those entrymen having entries adjoining the ceded lands of less than 160 acres. While not so employed the local land officers of these districts were engaged upon the registration in progress at Fort Sill and El Reno, in which they rendered valuable assistance. Upon August 6, at 9 o'clock a. m., these offices were opened for the receipt of entries by those holding numbers entitling them to make homestead entries. Both at Lawton and El Reno buildings suitable for land-office purposes had been erected and furnished.

In addition to the usual supply of blanks, maps, and plats, each office was provided with a map of its district, drawn upon a scale sufficiently large to distinctly show each smallest legal subdivision of land. Each of these maps was in charge of an experienced land-office clerk and was accessible to those desiring to make entries. As soon as made each entry was marked off upon the map, and thus it constantly showed the land open to entry in that district, which was of very great assistance to the entrymen. In addition to the regular clerks allowed the local land offices, several detailed clerks from the General Land Office were on duty in each of these offices. With this force no difficulty was experienced in receiving and recording the 125 entries per day provided by the proclamation. Those holding low numbers, entitling them to make early entries, generally selected land contiguous to some one of the town sites, preference being given to those designated as county seats. Upon the land adjoining these town sites, and especially at Lawton, large numbers of people had congregated prior to the day of the opening. This unwarranted occupation was not brought to my attention until August 5. As the entries were to begin at 9 o'clock a. m. of August 6, and these occupied lands would be the first applied for, immediate

of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks or public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto. The receipts from the sale of these lots in the respective county seats shall, after deducting the expenses incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior in the following manner: A court-house shall be erected therewith at such county seat at a cost of not exceeding ten thousand dollars, and the residue shall be applied to the construction of bridges, roads, and such other public improvements as the Secretary of the Interior shall deem appropriate, including the payment of all expenses actually necessary to the maintenance of the county government until the time for collecting county taxes in the calendar year next succeeding the time of the opening. No indebtedness of any character shall be contracted or incurred by any of said counties prior to the time for collecting county taxes in the calendar year next succeeding the opening, excepting where the same shall have been authorized by the Secretary of the Interior.

SEC. 2. The governor of the Territory shall appoint and commission for each county all county and township officers made necessary by the laws of the Territory of Oklahoma, who shall hold their respective offices until the officers elected by the people at the general election next following the opening shall have qualified.

SEC. 3. The President is hereby authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma, which districts shall include the lands so ceded by the Wichita and affiliated bands of Indians; one of the land offices shall be located at El Reno, in the county of Canadian, and the other shall be located at the county seat nearest Fort Sill. These land districts shall be respectively established at the time of proclaiming the lands aforesaid open to settlement and entry.

Approved, March 3, 1901.

### EXHIBIT E.

#### REPORT OF W. A. RICHARDS, ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE, RESPECTING OPENING OF KIOWA, ETC., LANDS IN OKLAHOMA.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, October 9, 1901.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following report respecting the opening to settlement and entry of the Kiowa, Comanche and Apache, and Wichita lands situated in the Territory of Oklahoma, ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

Acting under instructions dated May 13, 1901, I subdivided the territory embraced in the above-named lands into three counties, after having first attached to some of the surrounding counties small portions of the lands more properly belonging to those counties.

The county embracing the lands to the northeast was named Caddo County; the one embracing the lands to the northwest was named Kiowa County, while the one embracing the lands to the south was named Comanche County.

Sites were also selected for the county seats of these new counties, that for Caddo

**County** being in the immediate vicinity of Anadarko station on the Chicago, Rock Island and Pacific Railroad, which was named Anadarko; that for Kiowa County being near the station of Kiowa on the above-named railroad and named Hobart, while the site for the county seat of Comanche County was located 5 miles south of Fort Sill and named Lawton. These town sites each embraced 320 acres and were surveyed into blocks, lots, streets, and alleys. The surveys of these town sites were made by examiners of surveys detailed from the General Land Office for that purpose.

The location of the boundaries of the three new counties and of the town sites for their respective county seats was completed upon June 11, 1901, and a detailed report of my action in connection therewith was submitted and approved.

The expenses incident to the surveying, subdividing, and platting of the town sites, reimbursable to the Government from the sale of lots by the act of March 3, 1901, were \$5,284.24, as set forth in the itemized statement herewith submitted.

#### REGISTRATION.

In accordance with your letter of June 29, 1901, under which I was instructed to take charge of the prospective opening of the Kiowa, Comanche and Apache, and the Wichita reservations, I proceeded to El Reno, Okla., arriving at 2 o'clock a. m. of July 10, the day upon which registration was to begin.

Under date of July 4, 1901, the Commissioner of the General Land Office, by direction of the President, established two new land districts in Oklahoma—the El Reno land district, which includes the Wichita Reservation and the northern portion of the Kiowa Reservation, with the land office at El Reno, and the Lawton land district, which includes the remaining portion of the Kiowa and the Comanche and Apache reservations, with the land office at Lawton.

By the proclamation of the President of July 4, 1901, El Reno and Lawton were designated as places of registration, it being provided that the registration at each office should be for both land districts, but that at the time of registration each applicant should be required to elect and state in which district he desired to make entry. It was calculated that under this plan three-fourths of those desiring to make entry would register at El Reno and one-fourth at Lawton, which estimate proved to be practically correct. Thirty-three clerks were detailed from the General Land Office to make the registration, 8 of whom went to Lawton and 25 to El Reno.

The proclamation also provided that the office at Lawton should occupy provisional quarters in the immediate vicinity of Fort Sill until suitable quarters could be provided at Lawton. Under authority obtained from the honorable Secretary of War, the registration for the Lawton district was made at Fort Sill, where a commodious building was furnished for the use of the clerks. The registration at this point was very greatly facilitated by the efficient service rendered by the commanding officer, Maj. G. L. Scott, and the officers and men under his command. A very large proportion of those who registered at Fort Sill came there in wagons and went into camp in the valley of Cache Creek, upon the military reservation. During a portion of the period of registration this camp contained more than 10,000 people. Good order prevailed both in the camp and at the registration booth, which speaks well for the efficiency of those in charge of the registration, the military, and the people themselves.

The registration at this place proceeded in a perfectly orderly manner throughout the entire period and was concluded at 6 p. m. of July 26 with a total registration of 29,000, and no qualified applicant was left unregistered at the close of business. Upon the conclusion of the registration, the clerks in charge were transported to the railroad station, 30 miles distant, in Government ambulances kindly furnished by Major Scott, and at 5 o'clock a. m. of July 27 reported for duty to me at El Reno.



The clerks who were to make the registration at El Reno reached that place at 2 a. m. of July 10, and at 9 a. m. of that day began the registration at six booths, which had been previously secured and furnished. Four clerks were placed in each booth to work under the direction of one of their number designated as chief.

Upon the opening of the booths several thousand people were in line before them, some of them having been there more than twenty-four hours. There being a great many women in the lines, I proceeded to secure and furnish a booth to be used exclusively by women, and opened the same at 1 o'clock p. m. of July 10, with two land-office clerks and two clerks temporarily employed, the places of these two clerks in their respective booths being filled by hiring two additional temporary clerks.

The establishment of this booth was heartily indorsed and highly appreciated by the women, of whom about 8,000 were registered there. As they were not prohibited from registering at the other booths it is estimated that about 2,000 were so registered, making an estimated total of 10,000 women who were registered at El Reno.

Upon July 10, the first day of registration, 4,018 people were registered, which was very satisfactory, all things being considered.

As it was necessary that applications for registration should be sworn to before being presented to the registering clerks, notaries public, clerks of courts, justices of the peace, and others authorized to administer oaths engaged in the business of preparing such papers. At first exorbitant charges were made for such services. To correct this practice I refused to furnish blanks to any officer who would not agree to charge but 25 cents for his services in each case, which resulted in fixing that amount as the general charge. At Fort Sill, where, on account of the military supervision, the matter could be more easily controlled, the charge was fixed at 10 cents.

Upon July 13, through an accident to the pumping machinery at the waterworks, water was shut off from the mains supplying El Reno with water. The weather was very hot, and there were not less than 15,000 transient people in the city, making the situation one of great seriousness. Unless it could have been remedied at once it would have been necessary to have transferred the registration to some place where there would have been sufficient water. In conference with the city officials, this fact was impressed upon them and it was urged that immediate steps be taken to repair the waterworks. It was also suggested as a means of temporary relief that casks, with drinking cups attached, be placed at convenient places upon the streets and kept filled with water obtained from wells, with a cake of ice in each cask. These suggestions were acted upon without delay, the waterworks were speedily repaired, and the public drinking places provided and found to be so useful that they were maintained during the entire period of registration.

In this connection I take pleasure in stating that during the registration and the drawing which followed it the people of El Reno put forth every exertion to provide for the comfort and convenience of the strangers who visited their city. There was no raise in the prices of any of the commodities or accommodations necessary to their comfort, and while for thirty days the city contained more than ten times its normal population there were no hardships nor suffering, but all were well cared for and made comfortable at very reasonable expense.

The registration progressed in an orderly manner, but on account of the applicants being largely in excess of the number which had been expected it became necessary to employ additional assistance. Booth No. 1 was so situated that a greater number of people applied for registration there than at any other point, and the largest number of clerks employed in one place were in this booth. It was used as a training school from which clerks could be taken as needed for use in other booths. By keeping fully informed of the movement of trains upon the railroads entering El Reno I was enabled to so arrange the clerks as to be continually prepared to speedily register the great numbers of people who arrived daily. After the second day no unregis-

tered people were left in front of the booths when they were closed for the night. The time appointed for the opening of the booths was 8 o'clock a. m., but they were frequently opened earlier by the voluntary action of the clerks. The hours of closing were regulated by the number of people who arrived during the day, but 5 o'clock p. m. was the general hour for closing.

Upon Wednesday, July 24, the reports from the railroads and the numbers of people present indicated that the registration would be unusually large, for which we were fully prepared. Between the hours of 8 a. m. and 12 o'clock noon 11,556 people were registered. As eight heavily loaded trains were due to arrive between 4 and 6 p. m., it was arranged that the booths should be kept open until 8 o'clock or until everybody who so desired had been registered. We were disappointed by the railroads, however, and only two of the trains arrived before 8 o'clock, the total registration for the day being something in excess of 16,000.

Registration was effected by the applicant presenting a sworn statement of his qualifications and his desire to be registered, which was received and filed. A small blank was then filled out with a description of the applicant, the name of the land district in which he desired to make homestead entry, and his post-office address, which he signed, after which he was given a certificate of registration.

Upon July 11 a force of clerks was engaged and, in charge of an experienced clerk, were employed in separating by districts and arranging in alphabetical order the applications and identification cards received at the booths on the preceding day. After having been placed in order, each identification card was compared with its corresponding application and by this means any errors which might have occurred in the registration were corrected. At the same time a typewritten list was made for each district, embracing the names of those registered for that district, each day's work alphabetically arranged.

The applications, identification cards, and lists for each district were subsequently placed in the respective land offices and afford a means of detecting any frauds which may have been attempted through double registration or the attempt to impersonate another person in making an entry.

After the first week of registration the applications of soldiers to register by agent became so numerous and so impeded the registration of others that it became necessary to organize a separate booth for the registration of soldiers by soldiers' agents, which booth was placed in charge of an efficient clerk and in which were located the register and receiver of the El Reno office, who rendered faithful and efficient service.

It is believed that the fact that all soldiers' agents were required to register at one booth prevented some designing men from attempting to act as agent for more than one soldier, which they might have done successfully if allowed to register at any of the other booths.

Upon Friday, July 26, registration was closed in every booth simultaneously at 6 o'clock p. m., the chief of each booth having set his watch by city observatory time, in addition to which the city fire bell was struck at that hour. At the time of closing there was no unregistered person in front of any booth in the city.

The total registration at El Reno was 135,416. Upon the first day of the registration there was considerable disorder at several of the booths at this place, the people appearing to have an idea that it was necessary for them to secure and hold their positions in line by force and to take every means to guard their own interests. In a very short time they appeared to become satisfied that they were to receive fair treatment; that there would be no favoritism, and that the entire matter was to be honestly managed, after which there was absolutely no disturbance of any kind in connection with the registration. In fact, there was very little disorder of any character in the city at any time, notwithstanding its overcrowded condition.

Upon the conclusion of the registration, all of the land-office clerks were immediately employed in placing the identification cards in proper envelopes and sealing

the same, which had been delayed until this time by the fact that it was impossible to obtain the envelopes in time to place the cards in them when the registration was made.

I consider that it was an advantage to those who registered that the cards should not have been placed in the envelopes at the same time that the registration was made, as by the delay an opportunity was afforded to compare each identification card with the sworn application, thus affording a complete check upon the registration and a means of correcting any errors that might have been made in the rush of work.

The identification cards were carefully guarded during the day, at the time of registration, by being placed in locked cash boxes through a slit cut for that purpose, no one but myself having a key to any of these boxes. At night these cards were placed in the vault of the Citizens' State Bank, of El Reno, and were taken out only upon my order.

No one but land-office clerks were employed in placing these cards in the envelopes, which was completed about 4 o'clock of Sunday, July 28, this being the only Sunday upon which we found it necessary to work.

#### THE DRAWING.

By your letter of July 20, 1901, Hon. David P. Dyer, of Missouri, Hon. Frank Dale, of Oklahoma, and myself were appointed a committee to have the supervision of the drawing to determine the order in which registered applicants would be permitted to make entry in conformity with the President's proclamation of July 4, 1901, of which committee I was appointed chairman.

This committee first met at El Reno on the evening of the 25th day of July, and readily agreed upon the plan by which the drawing should be conducted. In pursuance thereof a platform 32 feet square was erected in one of the streets of the city, fronting the high-school grounds, which rose gradually from the platform, affording ample space for those desiring to witness the drawing. A canvas roof covered the platform and canvas curtains were provided with which to inclose its sides in case of a storm.

Two boxes were constructed in which were to be placed the envelopes containing the names of those who had been registered. Each of these boxes was 10 feet long, 2½ feet deep, and 2½ feet wide, with an iron rod running the entire length through the middle of each box, securely fastened. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings about 2 feet apart for the purpose of receiving the envelopes. On another side of each box there were five holes, each separately numbered, large enough to admit the hand and arm of a person and through which the envelopes were to be drawn. These holes were covered with slides except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's proclamation for the drawing, these boxes were taken upon the platform and placed upon trestles upon which they could be revolved. The envelopes containing the names of all who had been registered were also brought upon the platform. These envelopes had been separated according to the respective land districts, were of two colors, one being buff and the other white, and bore no distinguishing mark other than the name "El Reno" on those for one district and "Lawton" on those for the other. The envelopes were in pasteboard boxes, each of which contained 400 envelopes, and the boxes for each district were consecutively numbered. Small cards had been prepared bearing numbers corresponding to the numbers upon the envelope boxes, which cards were placed in a receptacle from which they were drawn at random, and the envelope boxes taken in the order in which the cards were drawn and their contents placed in the larger boxes, a portion of each box through each of the three larger openings, and well scattered throughout the entire length of the box.

When all of the envelopes had been thus placed, these openings in the drawing boxes were closed and securely sealed, and the boxes revolved until the envelopes were thoroughly mixed. Ten reputable young men had been selected, all of whom were under age and therefore not registered and in no wise interested in the drawing, to draw the envelopes from the boxes. These young men were assigned to the holes in these boxes by lot, and it was also determined by lot which one should begin the drawing at each box. The young man at the hole numbered 3 drew the number entitling him to take the first envelope from the El Reno box, and the young man at the hole numbered 4 drew the number entitling him to take the first envelope from the Lawton box, the drawing thereafter to continue in numerical order.

The drawing began with the El Reno box by the young man at hole numbered 3 drawing an envelope, which he handed to Mr. Dale, of the committee, who caused the same to be numbered 1. He then opened the envelope and took therefrom the identification card and caused the same number to be placed upon it, and then handed the card to Mr. Richards, of the committee, who inspected the same and in turn handed it to Mr. Dyer, of the committee, who announced the name and description of the person to the people. This course was followed until 25 envelopes had been drawn from the El Reno box, after which the box was closed and 25 envelopes were drawn from the Lawton box in the same order and disposed of in the same manner, after which this box was closed and both boxes securely sealed and adjournment taken until 2 o'clock p. m.

Great interest was shown by the people in this part of the drawing, and it was estimated that there were not less than 30,000 present to witness it. The location of the stand and the elevation of the grounds surrounding it were such as to enable all to have a fair view of the proceedings. There was no disorder of any kind, and the announcement of the names drawn was received with great applause.

In the afternoon of this day the drawing was continued until 500 names had been drawn from each box, the same order observed in the drawing of the morning being followed, except that instead of the announcement being made from the platform, typewritten lists were prepared, which were taken out into the midst of the audience and read, and then posted upon bulletin boards which had been provided for that purpose.

Provision had been made upon the stand for the accommodation of newspaper reporters, of whom a large number were in attendance, and to whom manifold copies of these typewritten lists were furnished and by them supplied to their respective newspapers. All of the daily papers of Oklahoma and many of those of the States of Kansas, Missouri, and Texas published complete lists of the names and numbers of the first 6,500 drawn for each land district, thus affording notification to those interested.

While the drawing of names was in progress a force of land-office clerks was engaged in preparing postal-card notices to those whose names had been drawn, which were placed in the post-office upon the evening of that day. This course was followed during the entire drawing of the 6,500 names from each land district, the postal cards being mailed on the same day upon which the names were drawn.

At the close of the first day's drawing the boxes were sealed up and left in charge of some of the land-office clerks and a guard of deputy United States marshals, which course was pursued during the entire period of the drawing.

The drawing was continued upon the platform at the rate of 2,000 per day for each land district until the total of 6,500 envelopes had been drawn for each district, which covered a period of four days. The drawing of this number might have been concluded in a shorter space of time, but it was not deemed advisable, as the number drawn per day was as large as the newspapers could conveniently handle. As it was estimated that there was only a sufficient amount of land in each land district to supply 6,500 entrymen, only that number in each district were notified to appear at the respective land offices upon stated days.

Upon the conclusion of the drawing of these 6,500 names for each land district the boxes were removed to a building where the drawing could be more expeditiously conducted and where it was continued in the same manner, each envelope and identification card being given corresponding numbers. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered.

The postal-card notices for all of the 6,500 names drawn for each land district were mailed by land-office clerks, who exercised great care in this work in order that each one might be properly notified. Upon the conclusion of the mailing of these essential notices a force of clerks were employed, who were nearly all residents of El Reno, and placed in charge of a competent land-office clerk and proceeded to mail notice of the number drawn by each of the remaining ones in each of the land districts. This was done in accordance with the requirements of the President's proclamation, and was a wise provision, as by it each applicant had the satisfaction of knowing that his name had been placed in the box of the district in which he desired to enter and had been drawn in its order.

The commission duly certified to the land officers at El Reno and Lawton the lists of 6,500 names for each land district drawn from the box, showing the order in which those whose names were drawn might make their homestead entries.

While the greatest interest was shown by the people in the first day's drawing, and a larger number were present that day than upon any subsequent day, a very large number of people remained in El Reno until the conclusion of the drawing of 6,500 names in each district. There was the same good order which had prevailed throughout the entire period of registration. No dissatisfaction was at any time expressed as to the plan of the drawing or the manner in which it was conducted, but, upon the contrary, both were very generally commended. Even those who met with disappointment in the drawing of numbers had no criticism to offer, but expressed themselves as satisfied that they had been treated with absolute fairness.

#### SALE OF TOWN SITES.

By your letter of July 19, 1901, I was instructed to take charge of and superintend, subject to the provisions of the act of March 3, 1901, and the regulations contained in said letter, the offering and sale of the town lots in the county-seat town sites of Lawton, Anadarko, and Hobart, in the respective and duly formed counties of Comanche, Caddo, and Kiowa, which instructions were supplemented by your telegram of July 26, 1901, relating to the appointment of commissioners.

Acting under these instructions, I appointed J. R. Hampton as commissioner for the sale of the town site of Lawton, C. F. Nesler as commissioner for the sale of the town site of Anadarko, and E. P. Holcombe as commissioner for the sale of the town site of Hobart, and designated the auctioneers and clerks who were to assist them. These commissioners gave the required bonds, which were approved by the Department, entered upon their duties, and began the sale of the town lots promptly at 9 o'clock of August 6 in each of the three town sites. The sales were continued from day to day without any special incidents worthy of note. There was no occasion to suspend the sales and no evidence of any combination among the bidders to suppress competition or prevent the sale of lots at a reasonable value, nor was there any disturbance among the bidders or those present which prevented the orderly progress of the sale. All lots purchased were immediately paid for in cash, and the money received therefor was transmitted by each commissioner, without delay, to the sub-treasury at St. Louis. Every precaution was taken for the safe-keeping of the money while in the possession of the commissioners. The greatest precaution taken to protect the money received from these sales was at Lawton.

When the sales began at this place, on the 6th of August, the nearest railroad station was Rush Springs, Ind. T., a distance of 30 miles, the road from Lawton to which

place ran through an unsettled country. A military escort of 10 cavalymen, in command of a sergeant, was provided by Major Scott, the commanding officer at Fort Sill, and as it was necessary to make this trip of 30 miles six times a week, it required two details upon the road all the time. Subsequently the Chicago, Rock Island and Pacific Railroad was completed to a point 12 miles north of Fort Sill, at which point an express office was established, after which the funds were taken to that point, and at the conclusion of the sale the road had been completed to Fort Sill.

A guard of cavalymen was also furnished each day for the protection of the money during the sale and during its transmission from Lawton to Fort Sill, where it was necessary that it should be kept overnight, which was also done under guard. The money paid for town lots at Lawton was under a military guard from the time it was paid to the commissioner until it was delivered to the express company. The same was true of the money received from the sale of lots at Anadarko, a detachment of cavalry being stationed at that place for the purpose of guarding the receipts of the sale of that town site.

There were no troops stationed at Hobart, the protection of the funds received there being provided by deputy United States marshals. The deputies furnished by the United States marshal also rendered very efficient services at Anadarko and Lawton, in conjunction with the military guard. There was no loss of funds of any kind at either of these town sites.

The sales progressed without interruption, every lot in each of the town sites being sold and paid for and the sales concluded within the time prescribed by your instructions. The receipts from the sales of these town sites were as follows:

Town site.	Number of lots.	Total receipts.
Lawton .....	1,422	\$414,845
Anadarko .....	1,129	188,455
Hobart .....	1,308	132,733

making the total receipts from the sale of the three town sites \$736,033.

The expenses incurred in making the sales of these town sites are as follows:

Lawton .....	\$2,489.62
Anadarko .....	1,544.53
Hobart .....	1,797.00
Total .....	\$5,831.15

which is a little less than four-fifths of 1 per cent of the total receipts.

Under the authority of your telegram of August 3, 1901, these expenses, which included the pay of the commissioners, were paid from the receipts of the respective sales, and the net receipts only were deposited in the subtreasury at St. Louis to your credit as trustee for the respective town sites. These amounts so deposited are, respectively, as follows:

Lawton:

Total receipts .....	\$414,845.00
Total expenses .....	2,489.62

Amount deposited..... \$412,355.38

Anadarko:

Total receipts .....	188,455.00
Total expenses .....	1,544.53

Amount deposited..... 186,910.47

## Hobart:

Total receipts .....	\$132, 733. 00
Total expenses .....	1, 797. 00
Amount deposited .....	<u>\$130, 936. 00</u>
Total amount deposited .....	730, 201. 85

It is provided in the act of March 3, 1901, that—

"the receipts from the sale of these lots in the respective county seats shall, after deducting the expense incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior, in the following manner," etc.

A statement has heretofore been submitted of the expenses incident to the surveying, subdividing, and platting of the town sites of Lawton, Anadarko, and Hobart. As these town sites embrace the same number of acres, and the expenses incident to their survey were practically the same in each case, no attempt has been made to keep an account with each town site, but the expenses incident to their survey are submitted in one account with the suggestion that in my opinion they should be divided equally between the three town sites, one-third of the gross amount to be charged to each one.

These accounts have all been audited in the General Land Office and paid from the appropriations to which they are properly chargeable.

It appears that the entire amount of expenses so incurred and paid and which should now be deducted from the receipts of sales of said town lots on account of said expenses, and deposited to the credit of the Treasurer of the United States, is \$5,284.24, one-third of which is \$1,761.41, which amount it is recommended should be charged against the receipts from the sale of each town site.

If the distribution of expense of survey is made as herein suggested, the net balances to the credit of the town sites will be as follows:

## Lawton:

Gross receipts .....	\$414, 845. 00
Less expense of survey .....	\$1, 761. 41
Less expense of sale .....	<u>2, 489. 62</u>
Total expense .....	4, 251. 03
Total net receipts .....	410, 593. 97

## Anadarko:

Gross receipts .....	188, 455. 00
Less expense of survey .....	1, 761. 41
Less expense of sale .....	<u>1, 544. 53</u>
Total expense .....	3, 305. 94
Total net receipts .....	185, 149. 06

## Hobart:

Gross receipts .....	132, 733. 00
Less expense of survey .....	1, 761. 41
Less expense of sale .....	<u>1, 797. 00</u>
Total expense .....	3, 558. 41
Total net receipts .....	129, 174. 59

Total net receipts from sale of three town sites .....	\$724, 917. 62
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Great credit is due to the commissioners and those associated with them for the successful manner in which the sales of these town sites were conducted. At the beginning of the sales there were no buildings upon either of the town sites which could be used by the commissioners, and it was necessary that temporary platforms should be erected, upon which the sales were conducted. At Lawton a small building was also constructed, which was occupied by the commissioner and his clerks, while they occupied sleeping apartments and boarded at Fort Sill. At Anadarko the commissioner and his assistants obtained board and lodging at the Indian agency, adjoining the town site, while at Hobart the commissioner and his assistants lived in a tent adjoining the platform upon which the sales were made.

While the time devoted to the sale of lots was from 9 a. m. until 4 p. m., it was necessary that the commissioners and their assistants should begin work much earlier than 9 o'clock, while the making up of their accounts and reports occupied their time for several hours after the sales were closed.

At each one of the town sites it was necessary that the money received from the day's sales should be retained by the commissioner over night, as the express company would not receive it until the following day. This necessitated a night guard upon the money, and was a constant source of care to the commissioners.

The sales were conducted to the entire satisfaction of those who participated in the purchase of lots, while the amounts received were larger than had been expected. The expenses incident to the survey and the sale were as small as the conditions under which they were made would permit, and the net receipts are sufficient to place each of the new counties upon a good financial basis.

#### THE ENTRIES.

In accordance with the President's proclamation, the land offices at Elreno and Lawton were duly opened for business upon the qualification of their respective registers and receivers. Prior to August 6, 1901, the business of these officers was principally confined to passing upon applications for reservations for town-site purposes, of which there were seven in the El Reno district and three in the Lawton district which finally received your approval, and to receiving the additional entries of those entrymen having entries adjoining the ceded lands of less than 160 acres. While not so employed the local land officers of these districts were engaged upon the registration in progress at Fort Sill and El Reno, in which they rendered valuable assistance. Upon August 6, at 9 o'clock a. m., these offices were opened for the receipt of entries by those holding numbers entitling them to make homestead entries. Both at Lawton and El Reno buildings suitable for land-office purposes had been erected and furnished.

In addition to the usual supply of blanks, maps, and plats, each office was provided with a map of its district, drawn upon a scale sufficiently large to distinctly show each smallest legal subdivision of land. Each of these maps was in charge of an experienced land-office clerk and was accessible to those desiring to make entries. As soon as made each entry was marked off upon the map, and thus it constantly showed the land open to entry in that district, which was of very great assistance to the entrymen. In addition to the regular clerks allowed the local land offices, several detailed clerks from the General Land Office were on duty in each of these offices. With this force no difficulty was experienced in receiving and recording the 125 entries per day provided by the proclamation. Those holding low numbers, entitling them to make early entries, generally selected land contiguous to some one of the town sites, preference being given to those designated as county seats. Upon the land adjoining these town sites, and especially at Lawton, large numbers of people had congregated prior to the day of the opening. This unwarranted occupation was not brought to my attention until August 5. As the entries were to begin at 9 o'clock a. m. of August 6, and these occupied lands would be the first applied for, immediate



action was necessary. I therefore prepared the following order to the register and receiver of the Lawton office, a copy of which was also filed in the El Reno office:

The occupation of the south half of section thirty-one, township two north, range eleven west, or any other portion of the unreserved lands in your district, by any person for purposes of residence, trade, or business, except after having made a legal entry of the same, is in violation of law and the President's proclamation, and gives such persons no rights whatever. You will allow homestead entries of said lands by qualified entrymen, notwithstanding any such occupation. Acknowledge receipt.

A copy of this message was filed in the telegraph office and another mailed, but as both these means of communication were very uncertain owing to the great pressure of business, another copy was intrusted to a clerk going to Lawton by way of Rush Springs, while a fourth copy was given a clerk going to Anadarko, who placed it in the hands of an Indian courier, who left that place at midnight and made the ride of 40 miles to Lawton before 9 o'clock of August 6. The first two entries made at the Lawton office were for the half section of land mentioned in this order. Several attempts have been made to contest one of these entries upon grounds covered by this order, but all have failed.

The entries at the land offices continued without interruption throughout the prescribed period of sixty days. The numbers of those entitled to make entry each day were called in their order. Anyone failing to respond was passed until after the other applications assigned for that day had been disposed of, when he was again called both by name and number, and if he still failed to appear he was held to have abandoned his right to make entry under the drawing.

In accordance with your telegraphic regulations of August 5, appeals from the action of the local land officers at El Reno and Lawton rejecting applications to make or amend entries could only be taken within one day, Sundays excepted, after such rejection. When such appeals were taken, the papers were immediately forwarded to the General Land Office, where they were at once carefully examined and forwarded to you, with appropriate recommendation, when the cases would be promptly decided and closed.

Applications to contest entries made during this sixty-day period were treated in the same manner.

This course provided an adequate and speedy method of correcting any material errors in the local offices, and it is believed that at the same time it tended to discourage groundless appeals and contests. While there were quite a number of applications to contest entries sent up from each of the local offices, such contests were allowed and hearings ordered in but a comparatively small number of cases in each office. Hearings were ordered only in cases where it was shown beyond a reasonable doubt that the entryman was disqualified at the time of making entry, which fact he had concealed from the land officers, or in some other manner had made what might be termed a fraudulent or illegal entry.

During the entire period occupied in opening these ceded lands to settlement and entry suits at law were in progress calculated to prevent such opening in whole or in part. Of those brought in Oklahoma, the suits in equity brought by Lone Wolf and others in the district court of Canadian County, Okla., asking that the Government be restrained from disposing of said ceded lands were, prior to August 6, 1901, decided in favor of the Government. Subsequent to August 6, temporary restraining orders, granted by the probate judge of Canadian County, Okla., against the disposal of certain described tracts on the application of Rebecca Young and other alleged Indians, were modified by the district judge of Canadian County, permitting the disposition of said lands, subject to the rights, if any, of the said alleged Indians.

Restraining orders were issued by the probate judge of Canadian County, Okla., on the application of William H. Brintle and ten other alleged settlers on the western boundary of the Wichita Reservation. The two suits last above mentioned have not

been disposed of, but the Attorney-General has directed the United States attorney for the district of Oklahoma to appear for the Government in said cases.

The suits of Lone Wolf and others did not in any wise interfere with the registration, drawing, or disposition of said lands. Those of Rebecca Young and others temporarily prevented the disposition of a small number of tracts, and those of Brintle and others affected less than a dozen claims, and were not filed until near the close of the sixty-day period.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land officers at Lawton and El Reno, a very close estimate of the same can be made, as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated).....	\$8,271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return .....	3,100
Incidental expenses of registration and drawing, as shown by advances made to the local officers .....	5,920
Salaries of registers and receivers for two months.....	2,000
Salaries of 10 local land office clerks for two months.....	1,500
Total .....	20,791

In addition to other fees of which no account is now available the land offices at Lawton and El Reno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of \$162,932, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of \$142,141 is left to the credit of the Government upon this account. This is a net sum accruing to the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were \$724,917, which, added to \$142,141, the net receipts of the homestead entries, makes a total of \$867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

During the first days for making entries there were very few who failed to appear and make entry when their numbers were called. As the entries progressed, however, and good claims became more difficult to find, the proportion of those failing to appear increased. This was not entirely due to a failure to find a desirable piece of land, but partly to the fact that many holding a high number and living at a distance from the land district abandoned the idea of making an entry without visiting the district and making an effort to find an acceptable claim. A few were prevented by sickness from making entry, and several deaths were reported of those holding numbers entitling them to make entry. The entries under the proclamation were concluded at each of the land offices upon October 4, 1901.

At the Lawton office 5,895 entries were made, including soldiers' declaratory statements filed, and 605 either failed to appear or were found to be disqualified.

At the El Reno office 5,743 entries were made, including soldiers' declaratory statements filed, and 757 either failed to appear or were found to be disqualified.

There were filed at the Lawton office 243 soldiers' declaratory statements, and 275 such filings were made at the El Reno office. There were 346 women who made entries at the Lawton office and 424 women who made entries at the El Reno office.

During the sixty days prescribed by the proclamation 11,638 filings were made, of

which 518 were soldiers' declaratory statements and 770 were made by women, while 1,362 holding numbers entitling them to make entries failed to do so.

The period during which these ceded lands could only be taken in accordance with the President's proclamation ended upon October 4, and reports since received from the Lawton and El Reno land offices are to the effect that the lands remaining open to entry by reason of the failure to make entry of some who were entitled to do so are being rapidly settled upon and entered under the general homestead laws, without confusion or disorder.

In the foregoing statements I have endeavored to report everything of importance pertaining to the action taken under your direction in disposing of these ceded Indian lands, in accordance with the acts of Congress pertaining thereto and the President's proclamation. It is believed that the intent and purpose of those acts and of the proclamation have been fully carried out. There has been no complaint of discrimination or unfairness, and there were but little of the hardships and suffering usually encountered in the settlement of a new country. Without strife or contention, but in a quiet, peaceful, and orderly manner these lands have passed from the condition of an Indian reservation to that of a populous, thrifty, peaceable agricultural community.

Very respectfully,

W. A. RICHARDS,  
*Assistant Commissioner.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, October 11, 1901.*

Hon. W. A. RICHARDS,

*Assistant Commissioner of the General Land Office.*

DEAR SIR: I am in receipt of your report dated the 9th inst., respecting the opening to settlement and entry of the Kiowa, Comanche, Apache, and Wichita lands, situated in the Territory of Oklahoma, and ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

I have read your report with care and the greatest satisfaction, and beg to cordially thank you and every member of your staff for the very thorough, economical, and successful manner in which you, with their assistance, conducted and completed the somewhat unusual, extremely laborious work, and for the systematic, business-like method in which you discharged the duties imposed upon you by the Department, you having made a record which, I trust, will be accepted as a precedent for all future openings of the public domain.

The quiet and orderly manner in which the opening was accomplished is most gratifying, especially when contrasted with the utter disregard of law and order, the outrages, and the contests which characterized the former openings on the "sooner" plan, and the spectacle of 151,000 disappointed applicants quietly retiring in favor of the 13,000 successful ones is a characteristic demonstration of the willingness of the American people to respect and obey the law when its enforcement is accomplished by such rules and regulations as to provide an absolute equality of opportunity to all, as was the case in the opening which you have conducted with so much credit as to have also secured the unqualified approval of all who were interested therein.

Again thanking you and your assistants, I remain,

Yours, most respectfully,

E. A. HITCHCOCK,  
*Secretary.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
OFFICE OF THE ASSISTANT COMMISSIONER,

Washington, D. C., October 16, 1901.

Hon. E. A. HITCHCOCK,

*Secretary of the Interior, Washington, D. C.*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant relating to my report respecting the opening to settlement and entry of the lands in Oklahoma ceded by the Kiowa, Comanche, Apache, and Wichita tribes of Indians.

It is a matter of great satisfaction to me to be so cordially assured that my efforts to carry out your plans and instructions are so highly appreciated and the results obtained meet with your approval. While I and those associated with me put forth our best endeavors, the success which was achieved is in a large measure due to the perfection of the plans and to the hearty support and excellent advice received from you.

I fully appreciate the trust and confidence shown in giving me such great latitude in this work, and prize your letter more highly because it assures me that you were not disappointed.

Thanking you for your kindly consideration and expressions of approval, I remain,  
Very respectfully, yours,

W. A. RICHARDS,  
*Assistant Commissioner.*

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EXHIBIT F.**BILL PROPOSED BY SECRETARY OF THE INTERIOR FOR JUDICIAL  
ADJUDICATION OF PENSION CLAIMS IN TEST CASES.**

In the Senate of the United States, April 17, 1900, Mr. Gallinger introduced the following bill; which was read twice and referred to the Committee on Pensions. April 20, 1900, reported by Mr. Gallinger without amendment.

A BILL providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of laws as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may during any calendar year certify to the Court of Claims for adjudication, as herein provided, not exceeding five claims for pension, pending before him or the Commissioner of Pensions, severally believed by such Secretary to affect a class of claims and to involve an important or difficult question of law arising in the administration of the pension laws. The certification of any such claim shall consist of a concise statement by the Secretary of the Interior of the facts relating to said claim, as found by him, and of the questions of law arising in connection therewith. The Secretary shall cause the claimant or his attorney or agent of record to be notified of such certification, and thereupon the Court of Claims shall proceed to the adjudication of said claim, giving special attention to the determination of the questions of law named by the Secretary of the Interior if deemed by the court to properly arise in the case and to be important or difficult of solution. The judgment of the Court of Claims shall direct the allowance or rejection of the said claim in whole or in part, as to the court shall seem right under the facts certified and the law applicable thereto. Either party may appeal from the judgment of the Court of Claims in any such case to the Supreme Court in the same manner in which appeals are taken from the judgments of the Court of Claims in other cases. The final judgment in any such case shall be cer-*

tified by the clerk of the Court of Claims to the Secretary of the Interior, under whose supervision it shall be carried into effect by the Commissioner of Pensions in like manner as are decisions of the Secretary of the Interior upon pension claims. Upon its satisfactorily appearing to the Secretary of the Interior that the claimant in any case so certified is without sufficient property or means to enable him to prosecute said claim in the courts, as herein provided, such Secretary shall be authorized to employ suitable counsel of the claimant's selection at a cost of not exceeding one hundred dollars for the services to be rendered in each court, which compensation, upon the completion of the services to be rendered, shall be paid upon the warrant of the Secretary of the Interior out of the money appropriated for the payment of pensions of the class to which said claim belongs. It shall be the duty of the Attorney-General to cause some competent attorney from the Department of Justice or the Interior Department to appear and defend the interests of the United States in all such cases, which shall be advanced for hearing and decision in the respective courts as soon as may be practicable.

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**REPORT OF SENATE COMMITTEE ON BILL PROPOSED BY THE SECRETARY OF THE INTERIOR.**

The Committee on Pensions, to whom was referred the bill (S. 4251) providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions, have examined the same and report:

Various attempts have been made to establish a court of some kind for the hearing and adjudication of pension claims, but thus far the problem has not been solved. The writer of this report has on two occasions during the period of his public service introduced bills into Congress for the establishment of a court of appeals, to which could be taken rejected pension claims for a rehearing and settlement, but upon careful investigation it was discovered that the scheme was not practicable, and hence was abandoned. It was evident that a court of that kind would be overwhelmed with work, as almost every rejected claim would be presented to it for consideration, and the thousands of claims which now stand rejected would be revived in the hope of securing favorable action.

The bill under consideration is the most sensible attempt that has yet been made to provide a remedy for what is acknowledged on all hands to be a public necessity. It was drafted by the Secretary of the Interior, and is the expression of the views of that Department in reference to legislation that is urgently desired for the purpose of securing precedents in certain classes of pension claims that are awaiting adjudication, as well as others that will arise from time to time.

It will be observed that the proposition is that the Secretary of the Interior may refer to the Court of Claims not exceeding five cases pending before him or the Commissioner of Pensions during any calendar year, these being cases that will affect a class of claims or involve important and difficult questions of law arising in the administration of the pension laws. An appeal may be taken from the Court of Claims to the Supreme Court of the United States, and the necessary machinery is provided for the prosecution of the claims. The following letter from the Secretary of the Interior explains the matter so clearly and succinctly that further argument seems unnecessary:

DEPARTMENT OF THE INTERIOR,

*Washington, April 16, 1900.*

SIR: There is no legislation under which the action of the Commissioner of Pensions or of the Secretary of the Interior in the allowance or rejection of a pension claim can be reviewed in the courts, nor is there legislation under which a pension claim can be referred to the courts for adjudication. Congress has provided for the

reference to the Court of Claims of claims pending before the several Executive Departments, the decision of which will affect a class of claims or furnish a precedent for the future action of these Departments (Revised Statutes, sections 1063, 1064, 1065; section 2, act March 3, 1883, 22 Stat., 485, and section 12, act March 3, 1887, 24 Stat., 505), but this does not apply to pension claims (*Gordon v. United States*, 26 C. Cls. R., 307; *Cole v. United States*, C. Cls. R., 47).

The result is that there is at present no method of obtaining a judicial interpretation of the pension laws, although their administration directly affects many thousand citizens and involves an annual expenditure of millions of dollars of public moneys. The interpretation of these laws has fallen upon the Commissioner of Pensions and the Secretary of the Interior, and the persons succeeding to these offices from time to time, while always acting under the influence of high motives, have not always entertained the same views respecting the purpose and meaning of these laws, and have in some instances interpreted them each for himself according to his judgment and understanding, so that pension decisions on some questions are conflicting and difficult to follow. The pension statutes have greatly multiplied, and it has sometimes happened that a new statute has employed ambiguous and uncertain terms, or has been enacted without special reference to the body of existing legislation upon that subject, in consequence of which difficult and important questions of law are encountered in the interpretation and administration of the pension laws.

I respectfully urge that a matter which so vitally affects the comfort and happiness of so large a portion of our population, and which involves so great an expenditure of public moneys, is worthy of the attention and consideration of our judicial tribunals. If decisions of the Supreme Court could be had upon a limited number of test cases, it would very greatly simplify the work of the Pension Bureau, would inspire confidence in the interpretation of the pension laws, and would lead to uniform action in their administration. It is understood that heretofore there has been objection to referring pension claims to the courts, for the reason that it would have a tendency to clog and overload the courts and to shift the administration of the pension laws from the executive to the judicial branch of the Government. This objection, however, would seem to be avoided if the number of claims which could be so referred was carefully limited.

I transmit herewith a draft of a bill providing for the adjudication by the Court of Claims and the Supreme Court of pension claims involving difficult or important questions of law as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions, which I earnestly commend to your favorable consideration and action. I am satisfied that a statute of this character will prove of great advantage to pension claimants and to this branch of the public service.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON PENSIONS,  
*United States Senate*

Your committee report the bill back favorably, with a recommendation that it pass.

#### **AMENDMENTS TO BILL PROPOSED BY SECRETARY OF INTERIOR WHICH WERE SUGGESTED BY THE GRAND ARMY OF THE REPUBLIC COMMITTEE.**

In January, 1901, conferences were held at the Interior Department between the committee on pensions of the Grand Army of the Republic and the Secretary of the Interior and other officers of that Department as a result of which the Grand Army of the Republic committee on pensions suggested the amendments which are shown in italics in the following reproduction of the bill.

[S. 4251. Fifty-sixth Congress, first session. Report No. 1040.]

In the Senate of the United States, April 17, 1900, Mr. Gallinger introduced the following bill; which was read twice and referred to the Committee on Pensions. April 20, 1900, reported by Mr. Gallinger, without amendment.

A BILL providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law, as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior may during any calendar

year certify to the Court of Claims for adjudication, as herein provided, not exceeding ten claims for pension, pending before him or the Commissioner of Pensions, severally believed by such Secretary to affect a class of claims and to involve an important or difficult question of law arising in the administration of the pension laws. *In selecting the claims to be so certified, the Secretary of the Interior shall give careful consideration to such suggestions in that behalf as may be made by the Grand Army of the Republic through its authorized pension committee.* The certification of any such claim shall consist of a concise statement by the Secretary of the Interior of the facts relating to said claim, as found by him, and of the questions of law arising in connection therewith. The Secretary shall cause the claimant or his attorney or agent of record to be notified of such certification, and thereupon the Court of Claims shall proceed to the adjudication of said claim, giving special attention to the determination of the questions of law named by the Secretary of the Interior if deemed by the court to properly arise in the case and to be important or difficult of solution. The judgment of the Court of Claims shall direct the allowance or rejection of the said claim in whole or in part, as to the court shall seem right under the facts certified and the law applicable thereto. Either party may appeal from the judgment of the Court of Claims in any such case to the Supreme Court in the same manner in which appeals are taken from the judgments of the Court of Claims in other cases. The final judgment in any such case shall be certified by the clerk of the Court of Claims to the Secretary of the Interior, under whose supervision it shall be carried into effect by the Commissioner of Pensions in like manner as are decisions of the Secretary of the Interior upon pension claims, and such judgment shall thereafter control and be obligatory upon the Secretary of the Interior and the Commissioner of Pensions, in disposing of claims of like character. Upon it satisfactorily appearing to the Secretary of the Interior that the claimant in any case so certified is without sufficient property or means to enable him to prosecute said claim in the courts, as herein provided, such Secretary shall be authorized to employ suitable counsel of the claimant's selection to act exclusively under the control and direction of the claimant, at a cost of not exceeding two hundred and fifty dollars and not less than one hundred dollars for the services to be rendered in each court, according to the reasonable value thereof to be fixed by the Secretary, which compensation, upon the completion of the services to be rendered, shall be paid upon the warrant of the Secretary of the Interior out of the money appropriated for the payment of pensions of the class to which said claim belongs. It shall be the duty of the Attorney-General to cause some competent attorney from the Department of Justice or the Interior Department to appear and defend the interests of the United States in all such cases, which shall be advanced for hearing and decision in the respective courts as soon as may be practicable.

### EXHIBIT G.

#### SUPPLEMENTAL REPORT WASHINGTON HOSPITAL FOR FOUNDINGS.

WASHINGTON HOSPITAL FOR FOUNDINGS,  
Washington, D. C., November 12, 1901.

Hon. E. A. HITCHCOCK,  
*Secretary of the Interior.*

SIR: Supplementing the formal annual report of the Washington Hospital for Foundlings, prescribed by the incorporating act of Congress of April 22, 1870, respecting "the condition of said institution on the first day of July in each year," I beg to add for your more complete information, and as covering the origin, development, and scope of the hospital's labors for this class of most helpless humanity—

I. Joshua Pierce, late of this District, and who died in April, 1869, generously devised fourteen lots having aggregate frontage of 130 feet on Fifteenth street NW., between R and S streets, with depth of 294 feet, in trust "as and for a site for the

erection of a hospital for foundlings," and on incorporation thereof by Congress in manner satisfactory to his designated trustees, they were directed to convey to such incorporation the fee title thereto, the testator therein recommending to such trustees "to select an institution which shall not be under the control of any one religious sect or persuasion."

2. To render this gift effective, Congress, on April 22, 1870, created the present incorporation, to whom the site thus devised was conveyed. The original incorporators named therein were gentlemen then well known in the community, of highest local, official, and social standing, nearly all of whom have since passed away. Section 5 of the act of incorporation provided:

That the object of this association is to found in the city of Washington a hospital for the reception and support of destitute and friendless children.

3. A site having thus been provided, the incorporators and their successors and friends through several years sought to accumulate from private subscriptions the funds required for erection of the hospital building. This was finally done through noble efforts of noble men and women and the building erected. Additions have since been made, alterations and improvements added, which our poverty would not originally permit, and for many years the hospital has successfully prosecuted the work designed by the original founder of the charity.

4. The primary purpose of the institution, controlling in its inception, and always has been and is to save the lives of these unfortunate infants committed to its care, whose abandoned condition appeals to the noblest instincts of humanity. The institution has always been wholly unsectarian, and the men and women officers, directors, medical staff, and all others who have labored and do now labor year by year in its behalf represent all religious sects and who receive therefor only the most ample compensation of an approving conscience.

5. Section 6 of the act of incorporation provides:

That foundlings received by this hospital shall be deemed and considered wholly under the guardianship, care, and control of said institution, to be educated, apprenticed, or otherwise disposed of, in such manner as the directors of said hospital may, in their judgment, deem for the best interests of said children, until they shall attain the age of eighteen years, when said care and control shall cease.

Thereunder some 180 of these foundlings have been provided with homes (some 20 during the past year), often among the wealthy, and always after careful inquiry and upon satisfactory indorsements. The hospital carefully watches each case of adoption, and but in two instances has it been found necessary to recover the children thus adopted. In all cases legal adoption is required under the laws of the State, whereby the name and right of inheritance from the adopting parents is secured.

6. A few years ago, and to benefit the infants as well as to relieve from complaints of neighbors in the thickly built portion of the city, where the hospital when originally built stood alone, we had built a summer hospital near Bethesda, Md., some 8 miles from Washington, and on a high and healthy site. There the children are taken in May and kept until late in the fall. This 9 acres has been acquired and the buildings erected thereon at cost of some \$17,000 from private bequests and subscriptions, although we have yet upon it a debt of some \$4,000.

7. The value of the hospital property in city and country is about \$140,000. The average annual cost of operation is about \$7,500, not including purchase of many supplies and donation of others purchased or secured through the constant and noble efforts of the board of lady visitors and the auxiliary society known as the Pierce Guild. These ladies, by donation teas, luncheons, and in many other ways assist in the maintenance of the charity and to such degree that without their aid the institution would be forced to close its doors.

8. For many years Congress has accorded us an annual appropriation of \$6,000 to aid in maintenance of the hospital. As shown by our annual reports, this is applied



*solely* in payment of necessary labor and general maintenance, and not a dollar is *used* therefrom for repairs, improvements to the hospital buildings or grounds here or at the summer home. Through years of experience we have found that every *dollar* of this annual appropriation is needed for the purpose of legitimate maintenance, and only through the constant self-sacrificing labors of the ladies connected with the institution can we meet our necessary aggregate annual expenditures. Very moderate wages are paid the employees, and the utmost economy consistent with proper *care* of these helpless foundlings is maintained. During past summer the board of *lady* visitors and the ladies of the Pierce Guild have built and equipped an excellent and badly needed new laundry at the hospital, and at cost of \$1,500, secured and being secured by them through their own efforts and from private sources.

9. The good the institution has done since its creation and will continue to *do can* not be estimated upon any money basis. The constant need for such an institution is unquestioned. In highest sense it is a "public" charity and fulfills a public duty. It does its work quietly, saves many, many lives and households from utter wreck, and above all receives and labors to save the innocent babes who are brought to us, often a few hours after birth, and when successful in that primary effort finds for them proper and often wealthy homes, wherein they are nurtured into manhood and womanhood, and made useful members of the State.

Your kindly sympathy with and appreciation of our labors is most cordially appreciated, and we sincerely trust you will favor the hospital and its work by renewed recommendation to Congress that the annual appropriation of \$6,000 needed for purposes of maintenance be continued for the coming fiscal year as heretofore.

Very respectfully,

Z. T. SOWERS,  
*President Washington Hospital for Foundlings.*

## EXHIBIT II.

### ANNUAL REPORT OF THE MARITIME CANAL COMPANY OF NICARAGUA.

THE MARITIME CANAL COMPANY OF NICARAGUA,

54 AND 56 BROAD STREET,

*New York, November 18, 1901.*

DEAR SIR: Pursuant to section 6 of the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, which provides that the said company shall make a report on the first Monday of December in each year to the Secretary of the Interior, and in accordance with instructions prescribing the form of such report and the particulars to be given therein, the said Maritime Canal Company of Nicaragua reports as follows:

First. That at a meeting of the board of directors duly held on the 4th day of January, 1901, the vacancy in said board in the class of 1901, caused by the death of Robert Sturgus, was filled by the election of Herbert W. Morse, who duly qualified as a director, but subsequently resigned; and on the 7th day of February, 1901, at a meeting of the board of directors duly held Mr. Stewart H. Chisholm was elected a director to fill the vacancy in the class of 1901 caused by the resignation of said Herbert W. Morse.

Second. That the regular annual meeting of the company was held at No. 54 Broad street, in the city of New York, on the 2d day of May, 1901, pursuant to the provisions of the by-laws, and that at said meeting Messrs. Horace L. Hotchkiss, Augustus D. Shepard, Otto T. Bannard, John R. Bartlett, and Stewart H. Chisholm were duly

elected directors of said company to fill the places made vacant by the class whose term of office expired on the 2d day of May, 1901, and to serve for the period of three years, as provided for in the said act of incorporation, and Henry E. Howland was elected a director of said company to fill the place made vacant by the death of Hiram Hitchcock, of the class of 1902, and Henry E. Ahern was elected a director of said company to fill the place made vacant by the death of James Roosevelt, of the class of 1902.

Third. That the board of directors of said company thus constituted is composed of the following stockholders:

*Class of 1902.*—Thomas B. Atkins, Joseph Bryan, Henry E. Howland, and Henry E. Ahern.

*Class of 1903.*—Samuel E. Kilner, Aniceto G. Menocal, Richard C. Shannon, Edward Menocal, and Henry D. Pierce.

*Class of 1904.*—Horace L. Hotchkiss, Augustus D. Shepard, Otto T. Bannard, John R. Bartlett, and Stewart H. Chisholm.

The above-named directors are citizens and residents of the United States.

Fourth. That at the first meeting of the board of directors held after the said annual meeting the following officers were duly elected to serve for the ensuing year, to wit:

President, Henry E. Howland; vice-president, Stewart H. Chisholm; secretary and treasurer, Thomas B. Atkins.

All of the officers so elected are citizens and residents of the United States.

That at said meeting the following directors were elected members of the executive committee, as provided for in the by-laws of said company, to wit:

Henry E. Howland, chairman; Samuel E. Kilner, Otto T. Bannard, Horace L. Hotchkiss, and Stewart H. Chisholm.

Fifth. That since the organization of the Maritime Canal Company of Nicaragua 10,145 shares of the capital stock of said company have been subscribed for at par, amounting in the aggregate to the sum of \$1,014,500, of which amount \$1,008,830 has been paid into the treasury in cash; that there has been paid into the treasury from other sources \$165,773.07, making the total amount of cash received \$1,174,603.07.

Sixth. That since the organization of the company it has paid for property, work and labor done, and materials furnished in the execution of the work of construction of canal and in administration expenses the sum of \$1,172,771.92 in cash; 31,990 shares of the full-paid capital stock of the company, of the par value of \$3,199,000; \$5,000,000 of its first-mortgage bonds, and its obligations for \$1,855,000 of the said first-mortgage bonds. It has also issued 180,000 shares of its capital stock, of the par value of \$18,000,000, in payment for concessionary rights, privileges, franchises, and other property. Two hundred and twenty-five thousand dollars of the amount first named was represented by a claim against the Nicaragua Canal Construction Company for cash advances made on account of purchase of equipment, and in liquidation of which claim the Maritime Canal Company has received and now holds in its treasury obligations representing \$518,500 of its first-mortgage bonds, in addition to 2,420 shares of its capital stock, which were transferred and delivered to Thomas B. Atkins, trustee, in liquidation of said account, to be held by him as trustee for the benefit of the company.

Seventh. That the liabilities of the company consist of the amounts still due, under the concession granted to the company, of the \$1,855,000 of bonds before mentioned, the said bonds being due to the assignees of the Nicaragua Canal Construction Company for work and labor done and materials furnished in the execution of the work of constructing the interoceanic canal, and of cash liabilities outstanding unpaid to an amount not exceeding \$200,000.

Eighth. That the assets of the company consist of its unused capital stock; of the \$518,500 first-mortgage bonds and the 2,420 shares of capital stock received in liqui-

dation as aforesaid; of the concessions, rights, privileges, and franchises which it owns; and of the plant, equipments, materials, lands, buildings, structures, railways, steamboats, telephone and telegraph lines, dredges, locomotives, cars, machinery, stores, machine shops, supplies, and other property in Central America, including the lands situated between the lake and the Pacific, which were purchased from the Government of Nicaragua for the route of the canal, in accordance with the provisions of the Nicaraguan concession.

Work on the canal has not been resumed, for the reasons given in our annual reports of 1899 and 1900, from which we quote as follows:

In 1895 (after the Maritime Canal Company had expended over \$4,000,000) and again in 1897 and again in 1899 the Congress of the United States asserted its right to determine the line of the canal through Nicaragua and Costa Rica, under the concessions from those Governments to the Maritime Canal Company, by enacting laws authorizing surveys and appropriating large sums of money for that purpose, and these laws and the operation of the commissions thus authorized have been approved by the Governments of Nicaragua and Costa Rica.

This action caused an uncertainty as to the final location of the route. This uncertainty, with other causes referred to in the last and former reports of the company (to which attention is called), has made it as yet impossible to resume the work of construction.

The company placed its surveys, maps, buildings, etc., at the disposal of these commissions, and the present commission is now making use of the company's buildings and facilities in Nicaragua.

At the close of the last annual report reference was made to an agreement for another canal concession that had been made by the Government of Nicaragua in violation of the rights and interests not only of this company but of the United States and of Costa Rica.

On the 2d day of December, 1898, this company protested to the honorable Secretary of State of the United States against the action of Nicaragua above referred to, and on the 8th of September, 1899, the company made a further protest to the honorable Secretary of State, containing a request for the assistance and intervention of the Government of the United States in the protection of the property and rights of the company. Subsequently we were advised that the "agreement for another canal concession," referred to above, had been canceled.

Article 55 of the concession of the Government of Nicaragua to the Maritime Canal Company provides that any misunderstanding that may arise between the State of Nicaragua and the company shall be submitted to a court of arbitrators. A misunderstanding having arisen as to the interpretation of articles 4, 5, 47, and 48, the company, through its general agent in Nicaragua, notified the Government of Nicaragua on the 5th of October, 1899, that it desired and elected to have the questions at issue determined by said board of arbitrators, and the Government of Nicaragua consented thereto.

The President of the United States, in his annual message of December, 1899, said:

The contract of the Maritime Canal Company of Nicaragua was declared forfeited by the Nicaragua Government on the 10th of October, on the ground of nonfulfillment within the ten years' term stipulated in the contract. The Maritime Canal Company has lodged a protest against this action, alleging rights in the premises which appear worthy of consideration. This Government expects that Nicaragua will afford the protestants a full and fair hearing upon the merits of the case.

The company and Nicaragua appointed arbitrators. Nicaragua objected to the appointees of the company on the ground that they were not citizens of Nicaragua.

On the 28th day of December, 1899, the Secretary of State of the United States advised the United States minister to Central America that the requirement of Nicaragua that the appointees of the company should be citizens of Nicaragua was not according to the contract, and instructed him to use his good offices in support of the demands of the company.

On the 1st of February, 1900, Nicaragua, ignoring the appointments made by the

company, instituted proceedings in the local courts of that country to compel the company through its agent to appoint citizens of Nicaragua as arbitrators. The general agent of the company filed a protest with the United States consul at Managua against this action and appealed to him for protection. The judge of the second district court then declared the concession forfeited, and the company protested against this declaration, which protest was rejected by Nicaragua.

The Government of Nicaragua is understood to have declared the concession forfeited on the ground that the company had failed to appoint citizens of Nicaragua as arbitrators, and that because of such failure the arbitration had gone against the company by default. The Government of Nicaragua has since unlawfully seized and confiscated the property and plant of the company near Greytown, against which act the representative of the company has protested to the United States consul at Greytown.

On the 23d day of October, 1900, the company protested to the State Department of the United States against these unjust acts of the Government of Nicaragua, and asked the assistance and intervention of the Government of the United States in the protection of its property and rights against these unjust acts of the Government of Nicaragua.

In order that the position of this company may at this time be fully understood in relation to the grave and international questions that have arisen, in which are involved the rights and property of hundreds of honorable and patriotic citizens of the United States, there is again annexed to this report the protest of the company to the Department of State, submitted December 2, 1898, marked \* "Exhibit A;" also the further protest of September 8, 1899, marked "Exhibit B," and the protest of October 23, 1900, marked "Exhibit C." Attention is respectfully called to each of these protests, which are hereby renewed and in all respects confirmed.

In closing this report, the company desires to record the profound sorrow experienced by the directors and stockholders at the death of Hiram Hitchcock, which occurred on the 30th of December, 1900. Mr. Hitchcock was president of the company from the time of its organization up to the date of his death, and the valuable and important services he rendered during that period in advocating and promoting the construction of the Nicaragua Canal entitle him to the grateful remembrance of the American people.

In witness whereof The Maritime Canal Company of Nicaragua has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary, this — day of November, A. D. 1901.

THE MARITIME CANAL COMPANY OF NICARAGUA.  
By HENRY E. HOWLAND, *President*.

Hon. E. A. HITCHCOCK,  
*Secretary of the Interior.*

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\* Exhibits A, B, and C will accompany report to be submitted to Congress.







